

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

PENNLICO, LTD.,	:	NO. 12 – 02,326
Plaintiff	:	
vs.	:	
	:	CIVIL ACTION - LAW
INTERNATIONAL DEVELOPMENT	:	
CORPORATION,	:	
Defendant	:	

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PENNLICO, LTD.,	:	NO. 12 – 02,428
Plaintiff	:	
vs.	:	
	:	CIVIL ACTION - LAW
SOUTHWESTERN ENERGY PRODUCTION	:	
COMPANY,	:	
Defendant	:	

OPINION IN SUPPORT OF ORDER OF NOVEMBER 17, 2014,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Plaintiff has appealed this court’s Order of November 17, 2014, which was entered upon stipulation of the parties in an effort to sort out the procedural mess created by the filing of counter-claims, cross-motions for summary judgment, and a premature appeal. It appears the mess has yet to be sorted, however.

In the case against IDC, judgment was entered against Pennlyco and in favor of IDC, by Order dated April 8, 2014. Pennlyco appealed, but that appeal was quashed by the Superior Court’s Order of June 30, 2014, inasmuch as a counterclaim filed by IDC had yet to be resolved.¹ IDC then withdrew that counterclaim on July 25, 2014, and on that date, praeciped for entry of final judgment, which was that date entered by the Prothonotary. The stipulated Order of November 17, 2014, which purports to enter judgment again, may be

superfluous and the time for appealing the July 25, 2014, entry of judgment may have passed.

In the case against Southwestern, judgment was entered against Pennlyco and in favor of Southwestern, also by Order dated April 8, 2014. Pennlyco appealed, but that appeal remains pending. Although Southwestern's counterclaim was withdrawn by praecipe dated October 3, 2014, the Order of November 17, 2014, may have been entered when the court lacked jurisdiction to do so.

To the extent the Superior Court looks beyond the quagmire and addresses the merits of the instant appeal, the court will simply note that the reasons for its decision may be found in the Opinion and Order of April 8, 2014, as well as the 1925(A) Opinion in support of the April 8, 2014, Order, entered May 29, 2014.

Dated: December 15, 2014

Respectfully submitted,

Dudley N. Anderson, Judge

cc: J. David Smith, Esq.
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Gary Weber, Esq.
Hon. Dudley Anderson

¹ The cross-motions for summary judgment did not address the counter-claim.