

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA**

MELISSA GABEL,	:	No. 17-21,461
Plaintiff	:	850 MDA 2022
	:	
vs.	:	CIVIL ACTION - LAW
	:	
PAUL JOHNSON,	:	
Defendant	:	PFA

Dated: July 18, 2022

**OPINION IN SUPPORT OF THE ORDER DOCKETED ON APRIL 20, 2022, IN
COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

The Appellant, Paul Johnson, filed a Notice of Appeal on June 6, 2022, of this Court’s Order docketed on April 20, 2022, which amended and extended a Protection from Abuse Order against him following a hearing on April 14, 2022.¹ This Court notes from the outset that Mr. Johnson’s appeal is untimely. Pursuant to **Pa.R.A.P. 903(a)**, “the notice of appeal shall be filed within 30 days after the entry of the order from which the appeal is taken.” “The date of entry of an order in a matter subject to the Pennsylvania Rules of Civil Procedure shall be the day on which the clerk makes the notation in the docket that notice of entry of the order has been given as required by Pa.R.Civ.P. 236(b).” **Pa.R.A.P. 108(b)**. As the docket indicates that the Order was entered on April 20, 2022, and notice under Rule 236 was given on that same date, the Appellant would have been required to file his notice of appeal on or before May 20, 2022, in order for it to be considered timely. The Notice of Appeal, not filed until June 6, 2022, is untimely on its

¹ The Honorable John B. Leete, Senior Judge, presided over the hearing on the Motion to Extend PFA on April 14, 2022. Senior Judge Leete has since retired and therefore Lycoming County President Judge Nancy L. Butts submits this Opinion on behalf of the Lycoming County Courts.

face. The Superior Court is “without jurisdiction to excuse the failure to file a timely notice of appeal, as [the] 30-day period for appeal must be strictly construed; [an] untimely appeal divests the Superior Court of jurisdiction.” Young v. S.B. Conrad, Inc., 216 A.3d 267, 271 (Pa. Super. 2019). Accordingly, this Court respectfully requests that the Appellant’s appeal be dismissed as it was untimely filed.

Despite the Notice of Appeal being untimely filed, this Court, out of an abundance of caution, directed the Appellant to file a Concise Statement of Matters Complained of on Appeal within 21 days on June 15, 2022, pursuant to **Pa.R.A.P. 1925(b)**. Appellant’s Concise Statement was filed on July 5, 2022. However, the “Concise Statement” is six pages long and contains a litany of allegations of errors committed by multiple judges and accusations of judicial bias dating back to the time the original Protection from Abuse Order was entered, by agreement of the parties without an admission, on December 1, 2017.

The Pennsylvania Rules of Appellate Procedure provide that a concise statement, “should not be redundant or provide lengthy explanations as to any error.” **Pa.R.A.P. 1925(b)(4)(iv)**. The statement must be “concise and coherent as to permit the trial court to understand the specific issues being raised on appeal.” Commonwealth v. Vurimindi, 200 A.3d 1031, 1038 (Pa. Super. 2018). It appears as though Appellant is attempting to relitigate the entire case from its inception by including every instance since 2017 in which he believes he was treated unfairly or the court erred, and the Concise Statement filed on July 5, 2022, is devoid of any specific allegation of error related to the hearing on April 14, 2022, and subsequent Order extending the final Protection from Abuse Order. Should the appellate court overlook the untimeliness of Appellant’s Notice of Appeal and reach the

merits of the case, this Court is unable to meaningfully address the Appellant's allegations of error. As such, this Court requests that Appellant's appeal be dismissed for his blatant failure to follow the Pennsylvania Rules of Appellate Procedure.

For all of the foregoing reasons, this Court respectfully requests that the Appellant's appeal be dismissed and the Court's Order of April 20, 2022, be affirmed.

By the Court,

Nancy L. Butts, President Judge

NLB/jel

- c. Superior Court (original +1)
Mark Taylor, Esquire
Paul Johnson
 c/o Still Productions
 350 Snediker Ave., Suite 112
 Brooklyn, NY 11207
Gary Weber, Esquire
Jennifer Linn, Esquire