

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 826 CD 2023

Page 1 of 6

June 10, 2024



CAPTION

Richard Houser and Catherine Burns,
Appellants

v.

County of Lycoming, Lycoming County
Board of Elections, Lycoming County
Commissioner Tony Mussare,
Lycoming County Commissioner
Scott Metzger, Lycoming County
Commissioner Richard Mirabito and
Forrest Lehman, Director of Elections

CASE INFORMATION

| | | | |
|-------------------------|------------------|---------------|------------------|
| Initiating Document: | Notice of Appeal | | |
| Case Status: | Closed | | |
| Case Processing Status: | June 5, 2024 | Completed | |
| Journal Number: | 9-05-2024 | | |
| Case Category: | Civil | Case Type(s): | Civil Action Law |

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

| | | | |
|------------------|----------------------------------------------|---------|--|
| Appellant | Houser, Richard | | |
| Pro Se: | No | | |
| IFP Status: | | | |
| Attorney: | Stapp, Gregory Andrew | | |
| Law Firm: | Stapp Law, LLC | | |
| Address: | 153 W 4th St Ste 6 Williamsport, PA 17701 | | |
| Phone No: | (570) 326-1077 | Fax No: | |

| | | | |
|------------------|----------------------------------------------|---------|--|
| Appellant | Burns, Catherine | | |
| Pro Se: | No | | |
| IFP Status: | | | |
| Attorney: | Stapp, Gregory Andrew | | |
| Law Firm: | Stapp Law, LLC | | |
| Address: | 153 W 4th St Ste 6 Williamsport, PA 17701 | | |
| Phone No: | (570) 326-1077 | Fax No: | |

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 826 CD 2023

Page 2 of 6

June 10, 2024



COUNSEL INFORMATION

Appellee **Mussare, Tony**

Pro Se: No

IFP Status:

Attorney: Smith, J. David
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Attorney: Wiley, James Michael
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Appellee **Mirabito, Richard**

Pro Se: No

IFP Status:

Attorney: Smith, J. David
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Attorney: Wiley, James Michael
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Appellee **Metzger, Scott**

Pro Se: No

IFP Status:

Attorney: Smith, J. David
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Attorney: Wiley, James Michael
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 826 CD 2023

Page 3 of 6

June 10, 2024



COUNSEL INFORMATION

Appellee Lycoming County Board of Elections

Pro Se: No

IFP Status:

Attorney: Smith, J. David
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Attorney: Wiley, James Michael
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Appellee Lehman, Forrest

Pro Se: No

IFP Status:

Attorney: Smith, J. David
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Attorney: Wiley, James Michael
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Appellee County of Lycoming

Pro Se: No

IFP Status:

Attorney: Smith, J. David
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

Attorney: Wiley, James Michael
 Law Firm: McCormick Law Firm
 Address: 835 W 4TH St
 Williamsport, PA 17701-6326
 Phone No: (570) 326-5131 Fax No:

FEE INFORMATION

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|------------|------------------|---------|------------|-------------------|-------------|
| 07/26/2023 | Notice of Appeal | 90.25 | 08/01/2023 | 2023-CMW-H-001310 | 90.25 |

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 826 CD 2023

Page 4 of 6

June 10, 2024



AGENCY/TRIAL COURT INFORMATION

| | | | |
|----------------------|-------------------|-------------------------|---------------|
| Order Appealed From: | July 5, 2023 | Notice of Appeal Filed: | July 26, 2023 |
| Order Type: | Lower Court Order | | |
| Documents Received: | August 1, 2023 | | |

| | | | |
|----------------|---------------------------------------|--------------------|--------------------------------|
| Court Below: | Lycoming County Court of Common Pleas | | |
| County: | Lycoming | Division: | Lycoming County Civil Division |
| Judge: | Linhardt, Eric R. | OTN: | |
| Docket Number: | CV 22-01219 | Judicial District: | 29 |

ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content Description |
|----------------------|-----------------|---------------------|
| Trial Court Record | August 28, 2023 | |

Date of Remand of Record:

BRIEFING SCHEDULE

| Appellant | Appellee |
|--------------------------|-------------------------------------------|
| Burns, Catherine | County of Lycoming |
| Brief | Brief |
| Due: October 18, 2023 | Filed: October 18, 2023 |
| | Due: November 20, 2023 |
| | Filed: November 17, 2023 |
| Reproduced Record | Lairman, Forrest |
| Brief | Brief |
| Due: October 18, 2023 | Filed: October 18, 2023 |
| | Due: November 20, 2023 |
| | Filed: November 17, 2023 |
| | Lycoming County Board of Elections |
| | Brief |
| | Due: November 20, 2023 |
| | Filed: November 17, 2023 |
| | Metzger, Scott |
| | Brief |
| | Due: November 20, 2023 |
| | Filed: November 17, 2023 |
| | Mirabito, Richard |
| | Brief |
| | Due: November 20, 2023 |
| | Filed: November 17, 2023 |
| | Mussare, Tony |
| | Brief |
| | Due: November 20, 2023 |
| | Filed: November 17, 2023 |

DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|-----------------------|-----------------------------------|--------------|------------------|-----------|
| July 26, 2023 | Notice of Appeal Filed | | | |
| | Houser, Richard | | Appellant | |
| | Burns, Catherine | | Appellant | |
| August 7, 2023 | Notice of Docketing Appeal Exited | | | |
| | Commonwealth Court Filing Office | | | |

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 826 CD 2023

Page 5 of 6

June 10, 2024



DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------|------------|
| August 21, 2023 | Docketing Statement Filed Stapp, Gregory Andrew | Burns, Catherine | Appellant | |
| August 28, 2023 | Trial Court Record Received Lycoming County Court of Common Pleas | | | |
| September 8, 2023 | Briefing Schedule Issued Commonwealth Court Filing Office | | | |
| October 18, 2023 | Appellant's Brief and Reproduced Record Combined Filed Stapp, Gregory Andrew | Burns, Catherine | Appellant | |
| November 17, 2023 | Appellee's Brief Filed County of Lycoming Lycoming County Board of Elections Mussare, Tony Metzger, Scott Mirabito, Richard Lehman, Forrest | | Appellee Appellee Appellee Appellee Appellee Appellee | |
| February 27, 2024 | Tentative Session Date Krimmel, Michael Document Name: May 2024 (Harrisburg) | | | |
| April 3, 2024 | Argument Scheduled Krimmel, Michael Document Name: Tuesday, May 7, 2024, 9:30 a.m. (Panel), CR 5001, Pennsylvania Judicial Center, Harrisburg Comment: No. 9 on the list. | | | |
| April 25, 2024 | Argument Cancelled Per Curiam Document Name: This matter shall be decided on the briefs Comment: NOW, April 25, 2024, the argument on this matter currently scheduled for May 7, 2024, at 9:30 a.m. on the May 2024 Argument List in Harrisburg is CANCELLED, and this matter shall be decided on the briefs previously filed. | | | 04/25/2024 |
| June 5, 2024 | Affirmed Leadbetter, Bonnie Brigance Document Name: Memorandum Opinion: Order of Lycoming County CCP is AFFIRMED / Request for Counsel Fees is DENIED. Comment: AND NOW, this 5th day of June, 2024, the order of the Court of Common Pleas of Lycoming County is hereby AFFIRMED. In addition, Appellees' request for reasonable counsel fees pursuant to Rule 2744 of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P. 2744, is hereby DENIED. | | | 06/05/2024 |

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 826 CD 2023

Page 6 of 6

June 10, 2024



SESSION INFORMATION

Journal Number: 9-05-2024
 Consideration Type: Oral Argument - Panel
 Listed/Submitted Date: May 7, 2024

Panel Composition:

| | |
|------------------------------------------|-----------------|
| The Honorable Renee Cohn Jubelirer | President Judge |
| The Honorable Christine Fizzano Cannon | Judge |
| The Honorable Bonnie Brigance Leadbetter | Senior Judge |

DISPOSITION INFORMATION

| | | | |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------|
| Final Disposition: | Yes | Judgment Date: | |
| Related Journal No: | | Disposition Author: | Leadbetter, Bonnie Brigance |
| Category: | Decided | Disposition Date: | June 5, 2024 |
| Disposition: | Affirmed | | |
| Disposition Comment: | AND NOW, this 5th day of June, 2024, the order of the Court of Common Pleas of Lycoming County is hereby AFFIRMED. In addition, Appellees' request for reasonable counsel fees pursuant to Rule 2744 of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P. 2744, is hereby DENIED. | | |
| Dispositional Filing: | Memorandum Opinion | Filing Author: | Leadbetter, Bonnie Brigance |
| Filed Date: | 6/5/2024 12:00:00AM | | |