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FACSIMILE TRANSMITTAL SHEET

TO:

Chad Howere
COMPANY:

FROM:

BARBARA MOUNTJOY

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FOR REVIEW

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COMMENTS:



The Superior Court of Pennsylvania
Office of the Prothonotary

GRANT BUILDING
310 GRANT STREET, SUITE 600
PITTSBURGH, PA 15219-2297

KAREN REID BRAMBLETT, ESQUIRE
PROTHONOTARY

ELEANOR R. VALECKO
DEPUTY PROTHONOTARY

(412) 565-7592

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October 17, 2006

Barbara Jean Mountjoy, Esquire
310 Chestnut Street, Suite 332
Meadville, PA 16335

IN RE: Chad Zachary Hower v. Nancy sue Oherlander-Hower
No. 1866 WDA 2006

Dear Ms. Mountjoy:

The Court has entered the following Order with regard to the above-captioned matter:

“ORDER

The instant appeal has been filed from an order sustaining jurisdiction. As neither of the requirements set forth in Pa.R.A.P. 311(b) have been met, the appeal is hereby quashed, sua sponte, as interlocutory and unappealable pursuant to **Nepo Associates, Inc. v. Gloria Dei Outranch Corp.**, 700 A.2d 1917 (Pa. Super. 1997) and **Okkerse v. Howe**, 556 A.2d 827 (Pa. Super, 1989).

Date: October 17, 2006

PER CURIAM”

Very truly yours,

A handwritten signature in cursive script that reads "Eleanor R. Valecko".

Eleanor R. Valecko
DEPUTY PROTHONOTARY

ERV:dms

Cc: F. Walter Bloom III, Esquire
Honorable H. William White, Jr.

A Certified copy of the Order will be sent to the lower court.

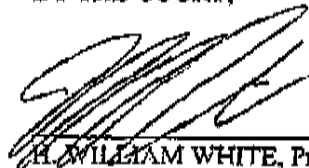
CHAD ZACHARY HOWER, : IN THE COURT OF COMMON PLEAS,
: VENANGO COUNTY, PENNSYLVANIA
:
vs. :
:
NANCY SUE OBERLANDER, formerly :
NANCY SUE OBERLANDER-HOWER, : Civ. No. 1751-2004

ORDER OF COURT

AND NOW, this 17th day of October, 2006, the court has considered the plaintiff's motion to continue, the defendant's objection to the motion to continue, and the letter from the Superior Court of Pennsylvania's Staff Attorney. Pursuant to Pa.R.A.P. 311 and *Donald L.F. v. Michelle C.F.*, 449 A.2d 37 (Pa.Super. 1982), we conclude that the plaintiff's appeal is interlocutory. Therefore this court will proceed with the custody hearing scheduled for November 6, 2006.

IT IS ORDERED that the defendant's motion to continue is hereby denied.

BY THE COURT,



H. WILLIAM WHITE, President Judge

cc: Barbara Mountjoy, Esquire
F. Walter Bloom, Esquire
Elissa Stuttler, Esquire (Child Advocate)
Eleanor R. Valocko Deputy Prothonotary

CHAD ZACHARY HOWER,	:	IN THE COURT OF COMMON PLEAS,
	:	VENANGO COUNTY, PENNSYLVANIA
	:	
vs.	:	
	:	
NANCY SUE OBERLANDER, formerly	:	
NANCY SUE OBERLANDER-HOWER,	:	Civ. No. 1751-2004

OPINION IN SUPPORT OF ORDER

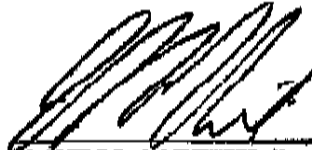
The appellant, Chad Hower, has appealed to the Superior Court of Pennsylvania from the court order entered on August 30, 2006. Pursuant to Pa.R.A.P. No. 1925(a), the following is this court's statement relating to the issues raised on appeal.

The appellant's concise statement concerning matters raised on appeal raises one issue. The appellant asserts in this one issue that the trial court erred in concluding that it could exercise jurisdiction in this matter.

We conclude that this appeal is interlocutory, pursuant to Pa.R.A.P. 311. There are circumstances where an appeal on jurisdiction is permissible to the Superior Court of Pennsylvania without a final order, but in the present case the necessary requirements for such an appeal have not been satisfied. Pa.R.A.P. 311(b). The appellee did not petition for a final order on our ruling concerning jurisdiction. Pa.R.A.P. 311(b)(1). Also, in our opinion concerning exercising jurisdiction over this matter, we did not state that there was a "substantial question of jurisdiction." Pa.R.A.P. 311(b)(2) and *Donald L.F. v. Michelle C.F.*, 449 A.2d. 37 (Pa. Supcr. 1982). Therefore this appeal is interlocutory and should be quashed.

We also refer the Superior Court to our opinion of September 5, 2006, which fully states our reasoning and conclusions for our August 30, 2006 order.

BY THE COURT,



H. WILLIAM WHITE, President Judge

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

CHAD ZACHARY HOWER,
Plaintiff

v.

Civ. No. 1751-2004

NANCY SUE OBERLANDER, formerly
NANCY SUE OBERLANDER-HOWER,
Defendant

FILED
COMMON PLEAS COURT
VENANGO COUNTY, PA
2006 OCT 13 P 39
PROFESSOR OF LAW
CLERK OF COURTS

OBJECTION TO MOTION TO CONTINUE

TO THE HONORABLE, H. WILLIAM WHITE, PRESIDENT JUDGE OF THE SAID COURT:

AND NOW comes Defendant, Nancy Sue Oberlander, by and through her attorneys, Rosen, Rosen, Bloom and Varsek, by F. Walter Bloom, III, and files the within Objection to Motion to Continue and in support thereof aver as follows:

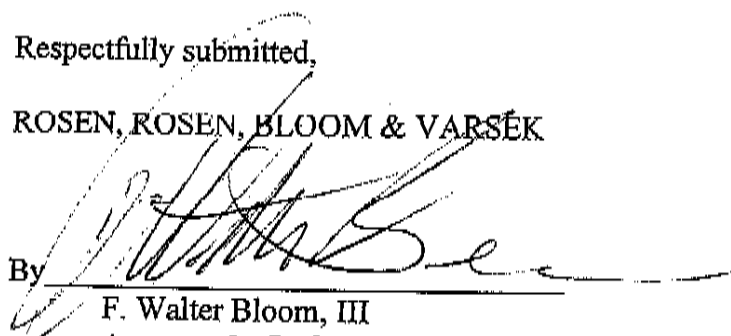
1. The Pennsylvania Superior Court has indicated, pursuant to correspondence of October 6, 2006, that the instant appeal effected by Chad Hower is interlocutory. A copy of said correspondence is attached hereto and marked Exhibit "1".

WHEREFORE, Movant requests that this Honorable Court deny Plaintiff's Motion for Continuance.

Respectfully submitted,

ROSEN, ROSEN, BLOOM & VARSEK

By



F. Walter Bloom, III
Attorney for Defendant,
Nancy Sue Oberlander