



## CAPTION

John E. Butler and Mary Josephine Butler, Petitioners

v.

Charles Powers Estate, by Charles A. Warren, Administrator of the Estate of Charles Powers, And Charles Powers, individually, his heirs (William Pritchard and Craig L. Pritchard) and assigns generally, executors, administrators, legatees, grantees and all other persons claiming by or through the said parties and all other persons interested in said property, Respondents

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number:

Case Category: Civil Case Type(s): Quiet Title

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

Attorney: Gregory James Krock, Esq.  
Buchanan Ingersoll & Rooney, P.C.

Address: 301 Grant St 20th Fl  
Pittsburgh, PA 15219--1410

Phone No: (412) 562-3983

Representing: Butler, John E. and Mary Josephine, Appellant

Pro Se: No

IFP Status:

Attorney: Thomas Francis Meagher III, Esq.

Address: Law Ofc of Michael Giangrieco  
60 Public Ave  
Montrose, PA 18801

Phone No: (570) 278-4026

Representing: Butler, John E. and Mary Josephine, Appellant

Pro Se: No

IFP Status:

Attorney: Laurence M. Kelly, Esq.  
Kelly & Kelly

Address: 65 Public Ave  
Montrose, PA 18801

Phone No: (570) 278-3861

Representing: Pritchard, William H. and Pritchard, Craig L., Appellee

Pro Se: No

IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 27 MAP 2012

Page 2 of 3

April 5, 2012

## SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered 09-07-2011 at No1795MDA2010 which Reversed/Remanded the Order of Susquehanna Cty Court of Common Pleas, Civil Div entered 01-27-2011.

## Probable Jurisdiction

Noted:

Docketed Date: April 3, 2012

Allocatur Granted: April 3, 2012

Allocatur Docket No: 760 MAL 2011

Allocatur Grant Order: AND NOW, this 3rd day of April, 2012, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioners, is:

In interpreting a deed reservation for □minerals,□ whether the Superior Court erred in remanding the case for the introduction of scientific and historic evidence about the Marcellus shale and the natural gas contained therein, despite the fact that the Supreme Court of Pennsylvania has held (1) a rebuttable presumption exists that parties intend the term □minerals□ to include only metallic substances, and (2) only the parties' intent can rebut the presumption to include non-metallic substances.

The Application for Leave to File Amicus Statement in Support of Petition for Allowance of Appeal, filed by the Pennsylvania Independent Oil & Gas Association, is DENIED.

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 1795 MDA 2010  
 Date of Order: September 7, 2011 Rearg/Recon Disp Date:  
 Rearg/Recon Disposition:  
 Judge(s): Stevens, Correale F.  
 Gantman, Susan Peikes  
 Fitzgerald, James J., III  
 Intermediate Appellate Court Action: Reversed/Remanded  
 Referring Court:

## AGENCY/TRIAL COURT INFORMATION

Court Below: Susquehanna County Court of Common Pleas  
 County: Susquehanna Division: Susquehanna County Civil Division  
 Date of Agency/Trial Court Order: January 27, 2010  
 Order Type: Order  
 OTN(s):  
 Lower Ct Docket No(s): 2009-1141  
 Lower Ct Judge(s): Seamans, Kenneth W.  
 President Judge

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	April 05, 2012	4 Parts

## Record Remittal:



## BRIEFING SCHEDULE

**Appellant**

**Butler, John E. and Mary Josephine  
Brief**

Due: May 15, 2012

Filed:

**Reply Brief****Reproduced Record**

Due: May 15, 2012

Filed:

**Appellee**

**Pritchard, William H. and Pritchard, Craig L.  
Brief**

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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<b>April 3, 2012</b>	<b>Allocatur Granted</b>		
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Per Curiam

## Comments:

AND NOW, this 3rd day of April, 2012, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioners, is:

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The Application for Leave to File Amicus Statement in Support of Petition for Allowance of Appeal, filed by the Pennsylvania Independent Oil & Gas Association, is DENIED.

<b>April 5, 2012</b>	<b>Superior Court Record Received</b>		
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Superior Court of Pennsylvania

## CROSS COURT ACTIONS

Docket Number: 1795 MDA 2010

Docket Number: 760 MAL 2011