



## CAPTION

Mesivtah Eitz Chaim of Bobov, Inc., Appellant  
 v.  
 Pike County Board of Assessment Appeals, Appellee  
 Delaware Valley School District and Delaware Township, Intervenors

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal  
 Case Status: Active  
 Journal Number:  
 Case Category: Civil Case Type(s): Tax Assessment Appeal

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

Attorney: Howard J. Bashman, Esq.  
 Address: 2300 Computer Ave  
 Ste G-22  
 Willow Grove, PA 19090  
 Phone No: (215) 830-1458  
 Representing: Mesivtah Eitz Chaim of Bobov Inc., Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Stacey Beecher, Esq.  
 Address: Pike County Administration Bldg.  
 506 Broad St  
 Milford, PA 18337  
 Phone No: (570) 296-3700  
 Representing: Pike County Board of Assessment Appeals, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Stephanie Erika DiVittore, Esq.  
 Rhoads & Sinon, L.L.P.  
 Address: One S Market PO Box 1146  
 Harrisburg, PA 17108--1146  
 Phone No: (717) 233-5731  
 Representing: Delaware Valley School District, Intervenor  
 Pro Se: No  
 IFP Status:




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**COUNSEL INFORMATION**


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Attorney: Anthony J. Magnotta, Esq.  
 Address: Oxford Place Route 590  
 PO Box 408  
 Hawley, PA 18428--0408  
 Phone No: (570) 226-5700  
 Representing: Delaware Township, Intervenor  
 Pro Se: No  
 IFP Status:

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Attorney: Lawrence B. Abrams III, Esq.  
 Rhoads & Sinon, L.L.P.  
 Address: 1 S Market Sq PO Box 1146  
 Harrisburg, PA 17108  
 Phone No: (717) 233-5731  
 Representing: Delaware Valley School District, Intervenor  
 Pro Se: No  
 IFP Status:

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**SUPREME COURT INFORMATION**


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Appeal From: the ord of Commonwealth Court at No 2343 CD 2008 dated 12-29-2009 affirming the order of the Pike Co CCP, Civ Div, at No. 1095-1997 dated 09-11-2008.

Probable Jurisdiction

Noted: Docketed Date: February 9, 2011

Allocatur Granted: February 9, 2011 Allocatur Docket No: 86 MAL 2010

Allocatur Grant Order: AND NOW, this 9th day of February, 2011, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the following issue:

Whether the Pennsylvania Legislature's enactment of criteria in Act 55 for determining if an organization qualifies as a purely public charity under Pennsylvania's Constitution is deserving of deference in deciding whether an organization qualifies as a purely public charity under Pennsylvania's Constitution, or has the test provided in Hospital Utilization Project v. Commonwealth, 487 A.2d 1306 (Pa. 1985), occupied the constitutional field, leaving no room for legislative influence and input?

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**FEE INFORMATION**


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| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|--------|----------|---------|------------|------------|-------------|
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**INTERMEDIATE APPELLATE COURT INFORMATION**


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Court Name: Commonwealth Docket Number: 2343 CD 2008

Date of Order: December 29, 2009 Rearg/Recon Disp Date:  
 Rearg/Recon Disposition:

Judge(s): Leadbetter, Bonnie Brigrance  
 McCloskey, Joseph F.  
 Quigley, Keith B.

Intermediate Appellate Court Action: Affirmed.

Referring Court:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 16 MAP 2011

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February 9, 2011

## AGENCY/TRIAL COURT INFORMATION

Court Below: Pike County Court of Common Pleas  
 County: Pike Division: Pike County Civil Division  
 Date of Agency/Trial Court Order: September 11, 2008  
 Order Type: Order  
 OTN(s):  
 Lower Ct Docket No(s): 1095 of 1997-Civil  
 Lower Ct Judge(s): Kameen, Joseph F.  
 President Judge

## ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content/Description |
|----------------------|------------|---------------------|
|----------------------|------------|---------------------|

## Record Remittal:

## DOCKET ENTRY

| Filed Date       | Docket Entry / Representing | Participant Type | Filed By   |
|------------------|-----------------------------|------------------|------------|
| February 9, 2011 | Allocatur Granted           |                  | Per Curiam |

## Comments:

AND NOW, this 9th day of February, 2011, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the following issue:

Whether the Pennsylvania Legislature's enactment of criteria in Act 55 for determining if an organization qualifies as a purely public charity under Pennsylvania's Constitution is deserving of deference in deciding whether an organization qualifies as a purely public charity under Pennsylvania's Constitution, or has the test provided in Hospital Utilization Project v. Commonwealth, 487 A.2d 1306 (Pa. 1985), occupied the constitutional field, leaving no room for legislative influence and input?

## CROSS COURT ACTIONS

Docket Number: 2343 CD 2008  
 Docket Number: 2807 EDA 2008  
 Docket Number: 86 MAL 2010