



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

LINDA L. KELLY  
ATTORNEY GENERAL

April 24, 2012

21 South 12th Street, 3rd Floor  
Philadelphia, Pa. 19107  
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Karen Reid Bramblett, Prothonotary  
Superior Court of Pennsylvania  
530 Walnut Street  
Philadelphia, Pa. 19106

Re: In re: The Barnes Foundation, a Corporation  
Civil Action No. 1038 E.D.A. 2012

Dear Ms. Bramblett:

Enclosed as directed in your April 13, 2012 letter to my colleague, Lawrence Barth, is the completed Docketing Statement form for the above appeal, along with copies of: (1) the March 7, 2012 order from which the appeal has been taken *and* the October 6, 2011 Memorandum and Order Sur Preliminary Objections (incorporated by reference in the final order); (2) the notice of appeal (without additional copies of its original attachments); and (3) the lower court docket entries. There is no trial court opinion as such (other than the October 6 memorandum).

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Claudia M. Tesoro".

Claudia M. Tesoro  
Senior Deputy Attorney General

CMT/me

Enclosures

cc: Richard Feudale (w/1 copy of form and enclosures)  
Samuel Strettoon (w/1 copy of form and enclosures)  
Ralph Wellington/Carl Solano/Bruce Merenstein (w/1 copy of form and enclosures)

**SUPERIOR COURT OF PENNSYLVANIA**  
**Civil Docketing Statement**

Pursuant to Pa.R.A.P. 3517, you must complete and return this form and attachments to the Prothonotary of the Superior Court by April 27, 2012. A completed copy of this form must also be provided to each appellee. THIS FORM IS FOR CIVIL APPEALS ONLY. If this is not a civil appeal, notify the Superior Court Prothonotary and the correct form will be provided to you.

**A. CASE IDENTIFICATION**

1. Case Caption: In Re: The Barnes Foundation Appeal of: Com. of Pa
2. Superior Court Docket No: 1038 EDA 2012
3. Party or parties filing appeal: Commonwealth of Pennsylvania

**B. TIMELINESS OF APPEAL (Check only those which apply and fill in the date(s))**

- Date of judgment of order appealed from 3/7/12 (incorporating 10/6/12  
 Date of Pa.R.C.P. 236 notice Memorandum and Order)  
 Date praecipe for judgment filed \_\_\_\_\_  
 Date judgment filed \_\_\_\_\_  
 Date notice of appeal filed 4/4/12  
 Was reconsideration requested in the lower court?  Yes  No (date) \_\_\_\_\_  
Was it expressly granted?  Yes  No (date) \_\_\_\_\_

**C. APPEAL FROM THE TRIAL COURT**

Attach copies of the following: (1) trial court's judgment, order or decree from which this appeal is taken; (2) notice of appeal; (3) trial court docket; and (4) trial court opinion, if available.

1. Is the order appealed from a final appealable order?  Yes  No  
Specify rule and subsection governing finality (e.g., Pa.R.A.P. 301, 313, 341) and, if desired, any applicable case law.  
Pa.R.App.P. 341 (See also Pa.O.C. 7.1)
2. If the order is not a final order: n/a
  - a. Is the order appealable as of right under Pa.R.A.P. 311?  Yes  No  
(specify which subsection) \_\_\_\_\_
  - b. Was permission to appeal granted pursuant to:
    - (i) Pa.R.A.P. 1311?  Yes  No Misc. Docket No. \_\_\_\_\_
    - (ii) Pa.R.A.P. 1501 et seq?  Yes  No Misc. Docket No. \_\_\_\_\_
3. How have issues been preserved? (e.g., pre-trial motions, timely objection motion to remove non-suit, petition to strike/open) In preliminary objections and memo-  
randum in support thereof.
4. Did the trial court order a concise statement of matters complained of on appeal to be filed pursuant to Pa.R.A.P. 1925(b)?  
 Yes (date) \_\_\_\_\_  No  
Date of filing appellant's Pa.R.A.P. 1925(b) statement with the trial court prothonotary/clerk \_\_\_\_\_  
Date of filing appellant's Pa.R.A.P. 1925(b) statement with the trial judge \_\_\_\_\_

D. NATURE OF DISPOSITION BELOW

At the end of Docketing Statement, you will find a list of possible procedural dispositions in the court below. List the procedural disposition applicable to this appeal using the corresponding letter. If the disposition used in the lower court does not appear on the list provided, please type or print the nature of the disposition below.

B (3/7/12)

E. TYPE OF CASE

At the end of Docketing Statement, you will find a list of substantive case types. List the substantive case type(s) involved in this appeal using the corresponding letter(s). List as many as apply. If your case type does not appear on the list provided, please type or print the substantive type of case involved in this appeal.

M

F. RELATED CASE

List all related cases pending in any court (e.g., co-defendants, cross appeal, cross-claims, counterclaims, bankruptcy proceedings or other appeals):

There are 2 other appeals from the same order:

CASE NAME	COURT	CASE NO.	TYPE OF CASE
In re: The Barnes Foundation	Superior Ct.	No. 810	EDA 2012
In re: The Barnes Foundation	Superior Ct.	No. 992	EDA 2012

Docket No. of cross appeal \_\_\_\_\_

G. DESCRIPTION OF APPEAL (If necessary attach additional pages for completion of 1 and 2)

1. Brief description of action and result below:

See attached page

2. Issues to be raised on appeal:

See attached page

HAVE YOU ATTACHED Order from which appeal is taken? (x) Yes ( ) No

Notice of appeal? (x) Yes ( ) No

Trial court docket? (x) Yes ( ) No

Trial court opinion, if available? (x) Yes ( ) No

IF THIS DOCKETING STATEMENT IS NOT FILLED OUT IN ITS ENTIRETY WITH ALL REQUESTED DOCUMENTS ATTACHED, YOU MAY BE SUBJECT TO DISMISSAL OF THE APPEAL.

See Pa.R.A.P. 3517, amended June 5, 2001, effective September 1, 2001.

Signature Claudia M. Tesoro Date 4/24/12  
 Print Name Claudia M. Tesoro Atty. I.D. No. 32813  
 E-Mail Address ctesoro@attorneygeneral.gov

**G.1. Brief description of action and result below:**

In February and March 2011, two petitions were filed in Orphans' Court, seeking to reopen the proceedings whereby the Barnes Foundation was permitted to relocate its art collection to Philadelphia. These were by no means the first such petitions. The Barnes Foundation and the Commonwealth each filed preliminary objections, which were sustained. As a sanction, the court awarded fees and costs to the Barnes Foundation, but not to the Commonwealth.

**G.2. Issues to be raised on appeal:**

Was the Commonwealth – like the Barnes Foundation – entitled to recover fees and costs for responding to the petitioners' baseless filings?

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION  
No. 58,788

\* \* \* \* \*

THE BARNES FOUNDATION, A CORPORATION

\* \* \* \* \*

ORDER

AND NOW, this 7<sup>th</sup> day of March, 2012, after hearing on February 2, 2012, a portion of the counsel fees and costs totaling \$64,269.41 that were incurred by The Barnes Foundation in responding to the two petitions to reopen filed by the Friends of the Barnes Foundation, *et al.*, on February 17, 2011, and by Richard Ralph Feudale on March 28, 2011, are hereby assessed, pursuant to 42 Pa. C.S.A §2503, against the petitioning parties as follows:

1) the sum of \$25,000.00 is assessed against Samuel C. Stretton, Esquire; Evelyn Yaari; Sandra G. Bressler, Hope Broker; Richard Feigen; Sidney Gecker; Walter Herman; Nancy Clearwater Herman; Sue Hood; Julia Bissell Leisenring; Robert Marmon; Toby Marmon; Costa Rodriguez; Barbara B. Rosin; and Barnes Watch, jointly and severally; and

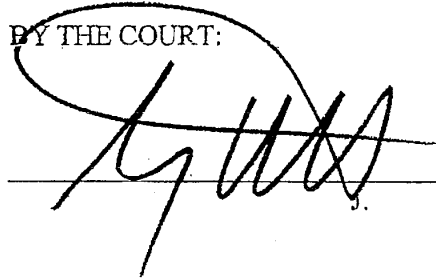
2) the sum of \$15,000.00 is assessed against Richard Ralph Feudale, Esquire.

These fees and costs are awarded for the reasons set forth in the undersigned's memorandum opinion and order sur preliminary objections to petitions to reopen dated

October 6, 2011.

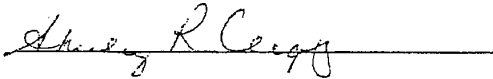
Exceptions to this final order and to the memorandum opinion and order of October 6, 2011, may be filed within twenty (20) days from the date hereof. An appeal may be filed to the appropriate appellate court within thirty (30) days from the entry of this order. *See* Pa.O.C. Rule 7.1, as amended, and P.A. R.A.P. 902 and 903.

BY THE COURT:

A handwritten signature in black ink, appearing to be "G. W. S.", written over a horizontal line. The signature is enclosed in a large, hand-drawn oval.

Copies of the above  
mailed March 7, 2012 to:

Ralph G. Wellington, Esquire  
Samuel C. Stretton, Esquire  
Richard Ralph Feudale, Esquire  
Brett Miller, Esquire  
Lawrence Barth, Senior Deputy Attorney General

A handwritten signature in black ink, appearing to be "Lawrence Barth", written over a horizontal line.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION  
No. 58,788

\* \* \* \* \*

THE BARNES FOUNDATION, A CORPORATION

\* \* \* \* \*

**MEMORANDUM OPINION AND ORDER  
SUR PRELIMINARY OBJECTIONS TO PETITIONS TO REOPEN**

OTT, J.

October 6, 2011

On February 17, 2011, a petition was filed on behalf of two Pennsylvania non-profit corporations ("Friends of the Barnes" and "Barnes Watch") and twelve individuals (all of whom are referred to herein as "the Friends") seeking, once more, to reopen the proceedings which resulted in this Court's December 13, 2004 opinion<sup>1</sup> permitting the Barnes Foundation to relocate its art collection from its gallery in Merion, Montgomery County to a new building in Philadelphia. Among the Friends were several parties who had filed a similar petition in 2008 and were denied standing by this Court in 2008.<sup>2</sup> On March 28, 2011, another petition to reopen was filed by Richard Ralph Feudale. The

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<sup>1</sup> The Barnes Foundation, a Corporation (No. 13), 25 Fiduc. Rep. 2d 39.

<sup>2</sup> The Barnes Foundation, a Corporation (No. 14), 28 Fiduc. Rep. 2d 258.

trustees of the Barnes Foundation and the Office of the Attorney General, as *parens patriae* for charities filed preliminary objections to both petitions. Petitioner Feudale filed preliminary objections to the preliminary objections which were dismissed as an inappropriate pleading under Montgomery County Local Orphans' Court Rule 3.2A.<sup>3</sup> Answers were filed to the preliminary objections. Thereafter, the parties filed extensive briefs and reply briefs, and the undersigned heard argument on the preliminary objections on August 1, 2011.

The petition filed on behalf of the Friends requests that the Court revisit the issues based on "new evidence" presented in a 2009 movie entitled "The Art of the Steal." This film purported to document the events that led up to this Court's 2004 decision. The alleged new evidence relates to Lincoln University's involvement in the matter. Pursuant to the trust indenture executed by and between Dr. Albert C. Barnes and The Barnes Foundation under date of December 6, 1952, as amended, and The Foundation's bylaws, Lincoln University had the power to nominate four of the five trustees of The Foundation's Board of Trustees. In September of 2002, when the members of The Foundation's Board filed for permission to relocate the art collection, the petition also sought to expand the size of the Board. Lincoln University sought and was granted permission to intervene in the matter, and filed an answer opposing any diminution of its role in choosing the management of The Foundation. The Foundation filed an amended petition, which Lincoln University also opposed. By the time The Foundation filed a second amended petition in October of 2003, an accord had been reached between it and

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<sup>3</sup> This rule states: "The pleadings in matters before this court shall be limited to a petition; an answer; new matter; a reply; preliminary objections; and an answer to preliminary objections."



Lincoln University, and the latter did not participate in any of the subsequent proceedings. The agreement contemplated a proposal to the Court that Lincoln University would henceforth nominate five members of a total Board of fifteen trustees.<sup>4</sup>

The Friends' petition quotes from interviews which appeared in the 2009 movie with the former Governor of Pennsylvania, Edward G. Rendell, and Michael Fisher, the former Attorney General for the Commonwealth, both of whom were in office at the time The Foundation filed its petitions. Michael Fisher is now a federal judge on the U.S. Court of Appeals for the Third Circuit. On the subject of the Pew Charitable Trusts, the Lenfest Foundation, and the Annenberg Foundation,<sup>5</sup> Judge Fisher opined in the film: "It was pretty clear to me they weren't just going to give 50, 70, 100 million dollars without getting control of the Barnes board." Regarding Lincoln University's decision to accept the proposal to dilute its authority in choosing the members of The Foundation's Board, Judge Fisher indicated that its cooperation was secured by a promise by then-Governor Edward Rendell to provide additional funding for the school. The Friends' petition asserts these statements are evidence of impropriety in that Judge Fisher "threatened" Lincoln and that state taxpayer funds were used to induce Lincoln to accede to the Attorney General and the Governor's wishes. The Friends allege these statements constitute evidence that the former Attorney General "violated his fiduciary duties by taking an improper role and without advising this Honorable Court of this

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<sup>4</sup> This proposal was among several revisions to the bylaws that were approved by the Court in its January 29, 2004 decision. *See The Barnes Foundation*, (No.12), 24 Fiduc. Rep. 2d 94.

<sup>5</sup> These leading charitable institutions agreed to put their considerable fundraising might behind The Foundation provided the petition was filed to pursue the move to Philadelphia and to increase in the size of The Foundation's Board.

role” and “forfeited his neutrality and *parens patriae* role by his direct involvement in forcing [Lincoln] to drop its opposition to the change of the Barnes Board.” (Friends’ Petition to Reopen, ¶ 22.)

The Friends’ petition to reopen also contains quotes from former Governor Rendell’s filmed interview on the subject of The Foundation’s dire fiscal situation in the years leading up to the petition to relocate. As for the claim that The Foundation could not survive *in situ*, the petition contends:

[T]his is absolutely false. It is now known that public monies were being set aside by the former Governor of Pennsylvania to facilitate the transfer. These funds that Governor Rendell initially had set aside were in the amount of \$107 million in an appropriation bill. This information was not presented to this Honorable Court on a timely basis.

Based on these statements in “The Art of the Steal,” the Friends argue the Court was misled as to the role of the Attorney General and as to the availability of public funds. Taking the second allegation first, the “multimillion dollar appropriation<sup>6</sup>” is not news. In a memorandum opinion dated May 15, 2008, explaining our dismissal of a previous attempt to relitigate The Foundation’s fate, we stated:

At some point after the December 2004 opinion was issued, it came to the Court’s and the public’s attention that a budget bill, passed by the state legislature and the Governor in 2002, contained a line item for approximately one hundred million dollars for the purpose of building a new facility in Philadelphia to house The Foundation’s art collection. This revelation caused a flurry of speculation that The Foundation’s trustees had knowledge of the budget item and had actively concealed its existence from the Court during the hearings on the petition for

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<sup>6</sup> The perception that this appropriation is a smoking gun in this matter has always left the Court somewhat mystified. The appropriation was earmarked to fund a new building for The Foundation in Philadelphia. Surely, even the most vehement critics of our decision in 2004 do not believe that, had the existence of the budget item been known at the hearings, the Court could have directed the legislature to redirect the funds to the existing gallery in Merion or sent The Foundation off with instructions to accomplish this on its own.

permission to move the gallery and art program from Merion. In the instant petitions, both the Friends and the County urge the Court to reopen the matter on the basis of this new information.

The Barnes Foundation, a Corporation (No. 14), 28 Fiduc. Rep. 2d at 259.

In 2008, as now, when confronted with preliminary objections contesting their standing, the Friends argued that question of standing was so “enmeshed” with the merits that the preliminary objections should be overruled and the situation vetted in depth. In the 2008 opinion, we reviewed the law of standing in Pennsylvania<sup>7</sup> and determined that the “enmeshment” argument could not prevail. Presently, we have essentially the same party making exactly the same argument. This is well-trod ground, and we must reach the same conclusion as we did in 2008. The Friends are not negatively affected by the matter they seek to challenge and are not aggrieved, and thus, have no right to obtain judicial resolution of their challenge; the Friends are not aggrieved because they can not show a substantial, direct, and immediate interest in the outcome of the litigation; the Friends do not possess a substantial interest in the matter because they are suffering no discernable adverse effect to an interest other than that of the general citizenry; and the Friends are a private party and same generally lack standing to enforce a charitable trust since the public is the object of the settlor’s

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<sup>7</sup> In particular, we were guided by the Supreme Court’s decision in the matter of Milton Hershey School, 590 Pa. 35, 911 A.2d 1258 (2006), which reaffirmed the traditional concepts of standing in charitable matters. The Supreme Court there reversed the Commonwealth Court’s determination that a party had standing due to a “special interest” in the proceeding. This conclusion had been reached by the Commonwealth Court after applying a test, of its own making, that required an analysis of the following five factors: (1) the extraordinary nature of the acts complained of and the remedy sought; (2) the presence of fraud or misconduct on the part of the charity or its directors; (3) the attorney general’s availability or effectiveness; (4) the nature of the benefited class and its relationship to the charity; and (5) subjective, case-specific circumstances. See Milton Hershey School, 867 A.2d 674 (Cmwlth. 2005).

beneficence in a charitable trust.

The Friends' contention that this matter should be reexamined because of the improper actions of the former Attorney General requires a slightly different analysis. As noted above, his alleged transgressions have been variously characterized as a breach of fiduciary duty, a failure to ensure the charity was preserved, a failure to act in the best interest of the public, a forfeiture of his "neutrality," and misleading or outright defrauding of the Court. In its preliminary objections and brief in support thereof, the Office of the Attorney General explained the process by which decisions were made in this matter. It is not our job and this is not the time to scrutinize the process or the decisions. The Attorney General also refuted the petitioners' fundamental argument that the Office had a duty to remain neutral, as follows:

[D]espite petitioners' contention, it is never the function of the Attorney General to be neutral in matters involving charitable trusts and organizations. The Attorney General represents the interest of the general public and must act in furtherance of that interest. While the Attorney General is obliged to objectively assess the merits of every case presented, the Attorney General does not have an adjudicatory role and is not under any obligation to remain neutral. He is no less an advocate in representing the public's interest than counsel for any other interested party.

(Brief of Attorney General's Office in support of preliminary objections, 5.) The Friends' offered no case or other authority in support of this theory of mandatory impartiality. The Office of the Attorney General does not deny that the former Attorney General mediated the agreement between The Foundation and Lincoln University which resulted in Lincoln's dropping its opposition to the petition to amend The Foundation's bylaws. Rather, the Office argues this action and its conduct at the hearings were all part

and parcel of its responsibilities under the law that helped achieve a result that was in the best interest of the people of the Commonwealth. We have no basis for finding fault in this stance or embarking on a further inquiry as to the Attorney General's modus operandi. As the Supreme Court noted in the Milton Hershey School matter, with reference to a party similarly situated to the instant Friends, "disagreement with the Attorney General's decision . . . does not vest [the party seeking standing] with standing to challenge that decision in court. Ultimately, [that party's] dismay is more properly directed at the Attorney General's actions and decisions; it is insufficient to establish standing here." 590 Pa. at 45, 911 A.2d at 1263. The law of standing in matters involving charities is crystal clear and forecloses the possibility of the Friends' pursuing the instant petition. Accordingly, the preliminary objections thereto must be sustained.

The second petition to reopen filed by Richard Feudale merits little discussion. Mr. Feudale is an individual with an interest in The Barnes Foundation saga and, perhaps, in promoting the sales of his book on the subject. He, as an attorney, must be cognizant of the chaos that would ensue if anyone with an opinion about The Barnes Foundation was permitted to be heard. Simply put, he lacks standing under the principles recited *supra*, and the preliminary objections to his petition are also sustained.

The final issue we must decide is the request that counsel fees and costs be assessed against the petitioners. When faced with this question in 2008, we stated:

The parties to whom and circumstances under which reasonable counsel fees can be awarded as part of the taxable costs of a matter are set forth in 42 Pa. C.S.A. §2503, and include:

(6) Any participant who is awarded counsel fees as a sanction against another participant for violation of any general rule which expressly prescribes the award of counsel fees as a sanction for dilatory, obdurate or vexatious conduct during the pendency of any matter.

(7) Any participant who is awarded counsel fees as a sanction against another participant for dilatory, obdurate or vexatious conduct during the pendency of a matter.

(9) Any participant who is awarded counsel fees because the conduct of another party in commencing the matter or otherwise was arbitrary, vexatious or in bad faith.

In this instance, we believe the petitioners' filings were made in good faith, and the events that precipitated the filings (the state budget appropriations' coming to light and the County's offer to explore the purchase/lease-back arrangement) were of sufficient import that the attempt to reopen the issues was not arbitrary. And, while The Foundation and the Attorney General's Office were understandably "vexed" at having to ward off these forays, the petitioners' conduct did not meet the legal definition of "vexatious." Therefore, we conclude the petitioners' conduct in bringing the instant pleadings does not justify the imposition of fees under the criteria set forth in 42 Pa. C.S.A. §2503, . . .

The Barnes Foundation, a Corporation (No. 14), supra, at 263. Without hesitation, we find petitioner Feudale's filing to be the epitome of vexatious, arbitrary and bad faith conduct. His brief and argument were devoid of any legal substance, relying instead on historical anecdotes, snippets of art theory and his own brand of philosophical musings,<sup>8</sup> among other oddities. Even though the Friends' essay was more creditable, we find that their resurrection of the budget appropriation item as a basis for standing, which this Court rejected in 2008, renders their filing sanctionable as well<sup>9</sup>.

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<sup>8</sup> Perhaps most illustrative of petitioner's Feudale's style of writing is his statement that: "The issue before this Court is actually the cultural identity and cultural stability of a nation." (Brief of Petitioner Feudale in opposition to preliminary objections, 17.)

<sup>9</sup> Private counsel's costs and fees will be awarded, as appropriate, by separate Order. We are not aware of any authority to impose monetary sanctions that benefit the Office of the Attorney General.

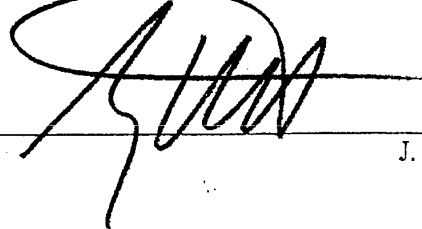
In light of the foregoing, we enter the following:

ORDER

AND NOW, this 6<sup>th</sup> day of October, 2011, after argument and consideration of briefs of counsel; the preliminary objections to the petitions to reopen filed by the Friends of the Barnes Foundation, *et al.*, and by Richard Ralph Feudale are SUSTAINED. The Court finds that some portion of the fees and costs incurred by counsel for The Barnes Foundation should be borne by the unsuccessful petitioners, pursuant to 42 Pa. C.S.A §2503. Accordingly, Schnader Harrison Segal & Lewis LLP shall submit an itemized statement of its fees and costs. Upon receipt thereof, the petitioners shall advise the Court if they wish to contest the reasonableness of the time expended and/or the hourly rates charged. If there is a challenge, the Court will schedule a hearing limited solely to those issues.

This Order is not final and is not subject to the filing of exceptions. The final order will be entered when the Court determines the appropriate award of fees and costs.

BY THE COURT:

  
\_\_\_\_\_ J.

Copies of the above  
mailed October 6<sup>th</sup>, 2011 to:

IN THE COURT OF COMMON PLEAS  
OF MONTGOMERY COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

No. 58,788

In re: THE BARNES FOUNDATION,  
A CORPORATION

NOTICE OF CROSS-APPEAL

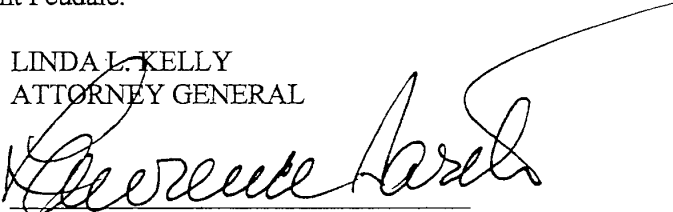
Notice is hereby given that, pursuant to Pa.R.App.P. 903(b), the Commonwealth of Pennsylvania, acting in its capacity as *parens patriae* through its Attorney General, Linda L. Kelly, hereby cross-appeals to the Superior Court from the March 7, 2012 final order of the Orphans' Court Division of the Court of Common Pleas of Montgomery County in this matter (and from the October 6, 2011 Memorandum and Order referenced therein), insofar as the Commonwealth's request for costs and attorneys' fees was denied.

The challenged orders, copies of which are attached hereto, have been entered on the docket, as evidenced by the attached copy of the docket entries.

Appellant Richard Ralph Feudale has already ordered a copy of the transcript of the February 2, 2012 proceedings in this matter. Pursuant to Pa.R.App.P. 1911(b), the Commonwealth acknowledges its "duty to pay for and cause the transcript to be filed and [it] shall share the initial expense equally" with appellant Feudale.

LINDA L. KELLY  
ATTORNEY GENERAL

By:

  
Lawrence Barth (I.D. No. 17830)  
Senior Deputy Attorney General

Charitable Trusts & Organizations Section  
Office of Attorney General  
21 South 12th Street, 3rd Floor  
Philadelphia, Pa. 19107  
215-560-2981



1958-X0788.196 FilingID: 1171560

Notice of Appeal

Receipt # 2012-12-00354 Fee \$75.00

D. Bruce Hanes, Esq. - MontCo Register of Wills

4/4/2012 9:39:57 AM



**CERTIFICATE OF SERVICE**

I, Lawrence Barth, Sr. Deputy Attorney General, hereby certify that I am this day serving copies of the foregoing Notice of Cross-appeal upon the person(s) and in the manner indicated below, which service satisfies the requirements of Pa.R.App.P. 121 and Pa.R.App.P. 906(a):

Service by first class mail addressed as follows:

Richard Feudale, Esquire (570-339-2633)  
33 East Third Street  
PO Box 227  
Mount Carmel, Pa. 17851-0227

(Appellant)

Ralph G. Wellington, Esquire (215-751-2488)  
Carl A. Solano, Esquire (215-751-2202)  
Bruce P. Merenstein, Esquire (215-751-2249)  
Schnader Harrison Segal & Lewis LLP  
1600 Market Street, Suite 3600  
Philadelphia, Pa. 19103

(Counsel for The Barnes Foundation)

Brett Miller, Esquire (610-608-4850)  
The Barnes Foundation  
300 North Latch's Lane  
Merion, Pa. 19066

(Counsel for The Barnes Foundation)

Samuel C. Stretton, Esquire (610-696-4243)  
301 South High Street  
PO Box 3231  
West Chester, Pa. 19381-3231

(Counsel for Barnes Watch, Sandra G. Bressler, Hope Broker, et al.)

Honorable Stanley R. Ott (610-278-3178)  
Montgomery County Court of Common Pleas, Orphans' Court Division  
Montgomery County Courthouse  
PO Box 311  
Norristown, Pa. 19401

(Trial judge)

Robin Lee Smith, RPR (610-278-1208)  
Official Court Reporter  
Montgomery County Courthouse  
PO Box 218  
Norristown, Pa. 19401

(Official court reporter)

Court Administrator's Office (610-278-3224)  
Montgomery County Courthouse  
PO Box 311  
Norristown, Pa. 19401

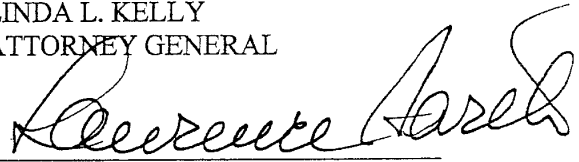
(Court Administrator)

Dated:

4/4/12

By:

LINDA L. KELLY  
ATTORNEY GENERAL



Lawrence Barth (I.D. No. 17830)  
Senior Deputy Attorney General

Charitable Trusts & Organizations Section  
Office of Attorney General  
21 South 12th Street, 3rd Floor  
Philadelphia, Pa. 19107  
215-560-2981

[Back to Search](#) > Case #1958-X0788

**Orphans' Court Case Details**

Case Number	1958-X0788
Commencement Date	12/21/2005
Status	Open
Caption	THE BARNES FOUNDATION, MISCELLANEOUS
Case Foundation Party	THE BARNES FOUNDATION
Case Type	MISCELLANEOUS
Initial Filing	BARNES FOUNDATION
Judge	STANLEY R. OTT
Township	
Sealed	No

Docket Date Range: Docket Entries

Docket Type Filter:

- Orphans' Court Subsequent Filing  
 Orphans' Court Initial Filing

**Case Foundation Parties**

Name	Date of Death	Address	Counsel
THE BARNES FOUNDATION		UNKNOWN UNITED STATES	STEPHENSON, KATHLEEN A WELLINGTON, RALPH G SOLANO, CARL A MERENSTEIN, BRUCE P

**Interested Parties**

Name	Title	Address	Counsel
BARNES WATCH		275 NORTH LATCH'S LANE MERION, PA 19066 UNITED STATES	STRETTON, SAMUEL C
BRESSLER, SANDRA G.		816 SOUTH 10TH STREET PHILADELPHIA, PA 19147 UNITED STATES	STRETTON, SAMUEL C
BROKER, HOPE		200 LOCUST STREET PHILADELPHIA, PA 19106 UNITED STATES	STRETTON, SAMUEL C
COMMONWEALTH OF PA		OFFICE OF ATTORNEY GENERAL 21 SOUTH STREET, 3RD FLOOR PHILADELPHIA, PA 19107-3603 UNITED STATES	BARTH, LAWRENCE
DR. HERMAN, WALTER		275 NORTH LATCH'S LANE MERION, PA 19066 UNITED STATES	STRETTON, SAMUEL C
FEIGEN, RICHARD		34 EAST 69TH STREET NEW YORK, NY 10065 UNITED STATES	STRETTON, SAMUEL C
FEUDALE, RICHARD R. ESQ		33 E. 3RD ST. P.O. BOX 227 MOUNT CARMEL, PA 17851-0227 UNITED STATES	
FEUDALE, RICHARD RALPH		33 EAST 3RD STREET MOUNT CARMEL, PA 17851-0227 UNITED STATES	
FRIENDS OF THE BARNES FOUNDATION		7615 ST. MARTINS LANE PHILADELPHIA, PA 19118 UNITED STATES	STRETTON, SAMUEL C
GECKER, SIDNEY		226 WEST 21ST STREET NEW YORK, NY 10065 UNITED STATES	STRETTON, SAMUEL C
HERMAN, NANCY CLEARWATER		275 NORTH LATCH'S LANE MERION, PA 19066 UNITED STATES	STRETTON, SAMUEL C
HOOD, SUE		110 EAST CHESTNUT HILL AVENUE PHILADELPHIA, PA 19118 UNITED STATES	STRETTON, SAMUEL C
LEISENRING, JULIA BISSELL		300 LEOPARD ROAD BERWYN, PA 19312 UNITED STATES	STRETTON, SAMUEL C
MARMON, ROBERT		339 NORTH LATCH'S LANE MERION, PA 19066 UNITED STATES	STRETTON, SAMUEL C
MARMON, TOBY		339 NORTH LATCH'S LANE MERION, PA 19066 UNITED STATES	STRETTON, SAMUEL C

RODRIGUEZ, COSTA	7615 ST. MARTINS LANE PHILADELPHIA, PA 19118 UNITED STATES	STRETTON, SAMUEL C
ROSIN, BARBARA B.	120 WEST MEADE STREET PHILADELPHIA, PA 19118 UNITED STATES	STRETTON, SAMUEL C
THE BARNES FOUNDATION	UNKNOWN UNITED STATES	SOLANO, CARLA
YAARI, EVELYN	35 O'VERHILL ROAD BALA CYNWYD, PA 19004 UNITED STATES	STRETTON, SAMUEL C

### Dockets

View as thread

Filing Date	Suffix	Description	Docket Text	Sealed	Date Scanned
12/21/2005 12:00 AM	2	PETITION	AUTOLOADED FROM OC: THIRTEENTH PETITION OF THE BARNES FOUNDATION TO WITHDRAW FUNDS FROM THE RENOVATION ESCROW ACCOUNT	No	
12/21/2005 11:44 AM	1	Preliminary Objections		No	10/19/2007 11:58 AM
12/22/2005 12:00 AM	3	Answer / Reply / Response		No	
1/18/2006 12:00 AM	6	Order / Decree	CONFERENCE JANUARY 30, 2006. (JO)	No	
2/2/2006 12:00 AM	8	Order / Decree	SUR THIRTEENTH PETITION TO WITHDRAW FUNDS FROM THE RENOVATION ESCROW ACCOUNT. (JO)	No	
4/12/2006 12:51 PM	10	Motion	FOR RECONSIDERATION, BASED ON NEW DISCOVERY OF TERMS OF TRUST DIRECTING ASSETS BE TURNED OVER TO ALTERNATE BENEFICIARIES IN EVENT OF TRUSTEE'S INABILITIES OR FAILURE TO MANAGE TRUST	No	
4/18/2006 12:00 AM	11	Order / Decree	SUR POST TRIAL MOTION FOR RECONSIDERATION. MOTION DENIED. (JO)	No	
4/27/2006 9:06 AM	14	PETITION	AUTOLOADED FROM OC: TO AMEND FEBRUARY 1, 1994 DECREE OF COURT	No	
4/28/2006 12:00 AM	15	Motion	POST TRIAL - FOR RECONSIDERATION DEMAND FOR ORAL ARGUMENT IN THE BARNES TRUST MATTER	No	
5/1/2006 12:00 AM	16	Order / Decree	SUR POST TRIAL MOTION FOR RECONSIDERATION DEMAND FOR ORAL ARGUMENT. SAID MOTION IS DENIED. (JO)	No	
5/16/2006 12:00 AM	19	Order / Decree	HEARING TO AMEND THIS COURT'S DECREE ENTERED FEBRUARY 1994, SCHEDULED FOR JUNE 21, 2006. (JO)	No	
5/17/2006 11:20 AM	22	Answer / Reply / Response	OF THE COMMONWEALTH OF PENNSYLVANIA TO PETITION OF THE BARNES FOUNDATION TO AMEND FEBRUARY 1, 1994 DECREE OF COURT	No	
5/30/2006 12:00 AM	24	GENERAL	AUTOLOADED FROM OC: NOTICE OF APPEAL TO SUPERIOR COURT	No	
6/8/2006 12:00 AM	25	Order / Decree	HEARING JULY 6, 2006. (JO)	No	
6/28/2006 3:07 PM	27	Notice of Appeal		No	
7/17/2006 12:00 AM	29	GENERAL	AUTOLOADED FROM OC: LIST OF RECORD DOCUMENTS SENT TO ALL COUNSEL AND UNREPRESENTED PARTIES.	No	
9/7/2006 12:00 AM	30	Notes of Testimony	JULY 6, 2006	No	
10/19/2006 12:00 AM	31	Opinion & Order	PETITION FILED BY THE BARNES FOUNDATION ON APRIL 27, 2006, SEEKING TO AMEND THE DECREE OF FEBRUARY 1, 1994 IS DENIED. (JO)	No	
11/1/2006 12:00 AM	33	GENERAL	RECEIVED FROM SUPERIOR COURT OF PA, CERTIFIED COPY OF NOTICE OF ORDER DATED 9/20/06, MOTION TO QUASH APPEAL NO. 1733 EDA 2006 IS GRANTED.	No	
8/27/2007 11:05 AM	36	PETITION	TO REOPEN PROCEEDINGS, TO RECONSIDER AND RESCIND THE ORDERS OF JANUARY 29, 2004 AND DECEMBER 13, 2004, TO GRANT AN INJUNCTION BARRING ANY MOVE OF GALLERY ART COLLECTION, TO COMPEL AN ACCOUNTING, TO DECLARE THE BOARD THEREOF IN VIOLATION OF ITS FIDUCIARY RESPONSIBILITIES, TO COMPEL SURCHARGE PROCEEDINGS AGAINST BOARD MEMBERS, TO REMOVE BOARD MEMBERS, AND TO PLACE THE BARNES FOUNDATION IN RECEIVERSHIP.	No	
8/31/2007 2:28 PM	37	PETITION	AUTOLOADED FROM OC:	No	
9/5/2007 12:00 AM	39	Preliminary Decree	CITATION RETURNABLE, OCTOBER 5, 2007. (J.O.)	No	
9/12/2007 12:00 AM	41	PETITION	AUTOLOADED FROM OC:	No	
9/12/2007 8:49 AM	42	Entry of Appearance		No	
9/12/2007	43	Preliminary Decree		No	

3:42 PM					
9/19/2007 12:00 AM	48	Entry of Appearance		No	
9/19/2007 4:09 PM	49	Certificate of Service / Proof of Service	OF PETITION FOR CITATION / PRELIMINARY DECREE	No	
9/19/2007 4:11 PM	50	Certificate of Service / Proof of Service	OF ENTRY OF APPEARANCE	No	
9/20/2007 9:25 AM	51	Praecepte	FOR APPEARANCE	No	
9/20/2007 9:25 AM	52	Praecepte	FOR APPEARANCE	No	
9/20/2007 9:26 AM	53	Praecepte	FOR APPEARANCE	No	
9/20/2007 9:26 AM	54	Praecepte	FOR APPEARANCE	No	
9/20/2007 9:27 AM	55	Certificate of Service / Proof of Service		No	
9/25/2007 12:00 AM	59	Order / Decree	CITATION RETURNABLE ON OCTOBER 5, 2007, CONTINUED AND RETURNABLE ON OCTOBER 19, 2007. (JO)	No	
9/27/2007 3:31 PM	65	Petition with a Citation Requested		No	
10/9/2007 12:00 AM	68	Order / Decree	THE PETITION FOR JOINDER FILED OCTOBER 9, 2007, IS DISMISSED AS AN IMPROPER PLEADING. (JO)	No	
10/9/2007 12:00 AM	70	PETITION	AUTOLOADED FROM OC: FOR JOINDER	No	
10/17/2007 9:25 AM	73	Praecepte	FOR APPEARANCE	No	
10/17/2007 12:39 PM	74	Preliminary Objections	TO AUGUST 27 AND 31, 2007 PETITIONS TO REOPEN PROCEEDINGS AND TO OBTAIN OTHER RELIEF	No	
10/17/2007 12:41 PM	75	Preliminary Objections	TO MONTGOMERY COUNTY'S PETITION TO REOPEN PROCEEDINGS	No	
10/19/2007 12:00 AM	76	Order / Decree	THE OBJECTANTS ARE ORDERED/DIRECTED TO FILE BRIEFS ON OR BEFORE NOVEMBER 19, 2007. PETITIONERS ARE ORDERED/DIRECTED TO FILE RESPONSE BRIEFS ON OR BEFORE DECEMBER 19, 2007. (JO)	No	
10/19/2007 12:00 AM	77	Preliminary Objections		No	
10/19/2007 12:00 AM	78	Preliminary Objections	OF THE COMMONWEALTH OF PENNSYLVANIA, OFFICE OF ATTORNEY GENERAL, AS PARENS PATRIAE, TO THE PETITION OF MONTGOMERY COUNTY TO REOPEN PROCEEDINGS	No	
10/19/2007 12:00 AM	79	Preliminary Objections	OF THE COMMONWEALTH OF PENNSYLVANIA, OFFICE OF ATTORNEY GENERAL, AS PARENS PATRIAE, TO THE PETITION TO REOPEN PROCEEDINGS OF ANN C. BARNES, SUE HOOD, FRIENDS OF THE BARNES, WALTER HERMAN, M.D., NANCY HERMAN, SANDRA GROSS BRESSLER, JAY RAYMOND AND J. MARGOT FLAKS	No	
10/19/2007 9:03 AM	81	Preliminary Objections		No	
11/19/2007 12:00 AM	88	MEMORANDUM OF LAW	AUTOLOADED FROM OC:	No	
11/20/2007 12:00 AM	89	BRIEF	AUTOLOADED FROM OC: IN SUPPORT OF PRELIMINARY OBJECTIONS TO PETITIONS TO REOPEN PROCEEDINGS	No	
11/20/2007 12:00 AM	90	MEMORANDUM OF LAW	OF THE COMMONWEALTH OF PENNSYLVANIA, OFFICE OF ATTORNEY GENERAL, AS PARENS PATRIAE, IN SUPPORT OF ITS PRELIMINARY OBJECTIONS TO THE PETITION OF MONTGOMERY COUNTY AND TO THE PETITION OF ANN C. BARNES, ET AL.	No	
12/4/2007 12:00 AM	94	Order / Decree	ON MOTION OF MARK D. SCHWARTZ, ESQ. AND BY AGREEMENT OF COUNSEL, THIS COURT'S ORDER ISSUED OCTOBER 19, 2007, IS AMENDED AND RESPONSE BRIEFS ARE DUE ON OR BEFORE DECEMBER 31, 2007. (JO)	No	
12/20/2007 3:46 PM	96	Motion	FOR AN EXTENSION OF THE REPLY BRIEF DEADLINE FOR PETITIONERS FRIENDS OF THE BARNES FOUNDATION, ANN C. BARNES, SANDRA GROSS BRESSLER, J. MARGOT FLAKS, WALTER W. HERMAN, NANCY HERMAN, SUE HOOD, AND JAY RAYMOND	No	
12/21/2007 12:26 PM	97	Order / Decree	THE RESPONSE BRIEFS OF THE FRIENDS OF THE BARNES AND MONTGOMERY CTY NOW DUE O DECEMBER 31, 2007, ARE NOW DUE ON OR BEFORE FEBRUARY 29, 2008. THE BARNES FOUNDATION AND THE OFFICE OF THE ATTORNEY GENERAL MAY FILE A RESPONSE BRIEF TO THE RESPONSES DUE FEBRUARY 29, 2008, ON OR BEFORE MARCH 20, 2008. ORAL ARGUMENT ON OUTSTANDING PRELIMINARY OBJECTIONS SCHEDULED FOR MARCH 24, 2008. (JO)	No	
1/2/2008 9:56 AM	99	Notes of Testimony		No	
1/3/2008	100	Withdraw of	OF APPEARANCE	No	

12:00 AM		Counsel with Entry of Appearance			
1/3/2008 12:00 AM	101	Praeipce	FOR APPEARANCE	No	
1/3/2008 12:00 AM	102	Praeipce	FOR APPEARANCE	No	
1/3/2008 12:00 AM	103	Praeipce	FOR APPEARANCE	No	
1/3/2008 10:11 AM	104	Praeipce	FOR APPEARANCE	No	
1/3/2008 10:12 AM	105	Certificate of Service / Proof of Service		No	
1/3/2008 3:26 PM	106	Praeipce	TO EFFECTUATE WITHDRAWAL AND SUBSTITUTION OF COUNSEL FOR PETITIONERS FRIENDS OF THE BARNES FOUNDATION	No	
1/11/2008 9:02 AM	114	Notes of Testimony		No	
1/30/2008 12:00 AM	116	Praeipce	FOR APPEARANCE	No	
2/27/2008 10:58 AM	118	Motion	FOR RECONSIDERATION OF PETITION FOR JOINDER	No	
2/28/2008 12:41 PM	119	Order / Decree	MOTION FOR RECONSIDERATION OF PETITION FOR JOINDER FILED ON FEBRUARY 27, 2008, IS DENIED BECAUSE THE MOVING PARTY LACKS STANDING TO PARTICIPATE IN THESE PROCEEDINGS. (JO)	No	
2/29/2008 12:00 AM	120	Answer / Reply / Response	OF MONTGOMERY COUNTY TO PRELIMINARY OBJECTIONS OF THE COMMONWEALTH OF PA, OFFICE OF ATTORNEY GENERAL	No	
2/29/2008 12:00 AM	121	Answer / Reply / Response	OF MONTGOMERY COUNTY TO PRELIMINARY OBJECTIONS OF THE BARNES FOUNDATION, et al.	No	
2/29/2008 12:00 AM	122	Answer / Reply / Response	OF MONTGOMERY COUNTY TO PRELIMINARY OBJECTIONS OF STEPHEN J. HARMELIN	No	
2/29/2008 12:00 AM	123	Answer / Reply / Response	OF PETITIONERS FRIENDS OF THE BARNES, ETC. TO THE PRELIMINARY OBJECTIONS OF THE BARNES FOUNDATION, ETC.	No	
2/29/2008 12:00 AM	124	Answer / Reply / Response	OF PETITIONERS FRIENDS OF THE BARNES FOUNDATION, ETC. TO THE PRELIMINARY OBJECTIONS OF RESPONDENT STEPHEN J. HARMELIN	No	
2/29/2008 12:00 AM	125	Answer / Reply / Response	OF PETITIONERS FRIENDS OF THE BARNES FOUNDATION, ETC., TO THE PRELIMINARY OBJECTIONS OF RESPONDENT THE COMMONWEALTH OF PENNSYLVANIA	No	
2/29/2008 12:00 AM	126	Motion	FOR LEAVE TO INTERVENE OF MONTGOMERY COUNTY	No	
2/29/2008 12:00 AM	127	Motion	FOR LEAVE TO FILE PETITION TO INTERVENE BY PETITIONERS FRIENDS OF THE BARNES FOUNDATION, ETC.	No	
2/29/2008 12:00 AM	128	MEMORANDUM OF LAW	IN OPPOSITION TO PRELIMINARY OBJECTIONS FILED BY THE BARNES FOUNDATION, et al. AND THE ATTORNEY GENERAL.	No	
2/29/2008 12:00 AM	129	BRIEF	OF THE FRIENDS OF THE BARNES, ET AL., IN OPPOSITION TO THE PRELIMINARY OBJECTIONS OF THE BARNES FOUNDATION ET AL., STEPHEN J. HARMELIN AND THE ATTORNEY GENERAL OF PENNSYLVANIA	No	
3/12/2008 10:22 AM	142	Order / Decree	ORAL ARGUMENT ON THE OUTSTANDING PRELIMINARY OBJECTIONS SCHEDULED FOR MARCH 24, 2008, BY THIS COURT'S ORDER ISSUED DECEMBER 21, 2007, SHALL BE CONDUCTED AT 9:30 A.M., IN COURTROOM "B". (JO)	No	
3/20/2008 12:00 AM	144	Notice of Appeal		No	
3/20/2008 12:00 AM	145	BRIEF	OF THE BARNES FOUNDATION, DR. BERNARD C. WATSON, SHELDON M. BONOVIK, ETC. IN SUPPORT OF THEIR PRELIMINARY OBJECTIONS TO THE PETITION OF ANN C. BARNES, SUE HOOD, FRIENDS OF THE BARNES, ETC. AND THEIR PRELIMINARY OBJECTIONS TO THE PETITION OF MONTGOMERY COUNTY.	No	
4/1/2008 3:13 PM	149	Motion	OF THE TOWNSHIP OF LOWER MERION FOR LEAVE TO SUBMIT A MEMORANDUM OF LAW, AMICUS CURIAE	No	
5/15/2008 12:00 AM	150	Opinion & Order	SUR PRELIMINARY OBJECTIONS TO PETITIONS TO REOPEN PROCEEDINGS. UPON CONSIDERATION OF THE PRELIMINARY OBJECTIONS AND BRIEFS AND ARGUMENT OF COUNSEL, THE PETITIONS FILED BY THE FRIENDS OF THE BARNES, et alii, AND BY THE COUNTY OF MONTGOMERY ARE DISMISSED FOR LACK OF STANDING. EACH PARTY TO BEAR ITS OWN COSTS. (JO)	No	
5/15/2008 12:00 AM	151	MEMORANDUM	OPINION SUR APPEAL THE APPEAL OF RONALD WILLIAM TAYLOR FROM THE UNDERSIGNED'S ORDERS DATED OCTOBER 9, 2007 AND FEBRUARY 28, 2008, SHOULD BE DISMISSED FOR LACK OF STANDING. (JO)	No	
6/19/2008 12:00 AM	154	GENERAL	CERTIFIED COPY OF ORDER FROM SUPERIOR COURT. THIS COURT GRANTS THE MOTION TO QUASH APPEAL AT NO. 251 BDA 2008 APPELLANT'S MOTION OF APPEAL TO SUPERIOR COURT IS DENIED AS MOOT.	No	
2/14/2011	156	Petition without a	UNOPPOSED FOURTEENTH PETITION OF THE BARNES FOUNDATION TO WITHDRAW FUNDS	No	2/17/2011

3:02 PM		Preliminary Decree	FROM THE RENOVATION ESCROW ACCOUNT		2:16 PM
2/17/2011 12:27 PM	157	Præcipe	TO ENTER APPEARANCE	No	
2/17/2011 12:29 PM	158	Petition with a Citation Requested	TO REOPEN THE MATTER BASED ON NEWLY DISCOVERED EVIDENCE OF IMPROPER CONDUCT NOT KNOWN DURING THE TIME OF TRIAL BY THE ATTORNEY GENERAL OF PA AND THE GOVERNOR OF PA	No	2/18/2011 10:05 AM
2/22/2011 10:49 AM	159	Preliminary Decree	RULE RETURNABLE MARCH 18, 2011. (JO)	No	2/23/2011 10:51 AM
3/4/2011 10:06 AM	160	Order / Decree	WITHDRAWAL BY THE BARNES FOUNDATION OF CERTAIN AMOUNTS FROM RENOVATION ESCROW ACCOUNT IS APPROVED. (JO)	No	3/17/2011 10:11 AM
3/17/2011 3:56 PM	161	Order / Decree	ORDER TO RESCHEDULE. A RULE IS DIRECTED TO THE BARNES FOUNDATION AND THE ATTORNEY GENERAL OF PA TO SHOW CAUSE WHY THE MATTER SHOULD NOT BE REOPENED. RULE RETURNABLE ORIGINALLY SCHEDULED FOR MARCH 18, 2011, IS RESCHEDULED TO MARCH 29, 2011. (JO)	No	3/28/2011 1:33 PM
3/25/2011 1:01 PM	162	Preliminary Objections		No	4/4/2011 11:28 AM
3/25/2011 2:47 PM	163	Preliminary Objections	OF THE COMMONWEALTH OF PENNSYLVANIA TO PETITION TO REOPEN THE MATTER BASED ON NEWLY DISCOVERED EVIDENCE OF IMPROPER CONDUCT NOT KNOWN DURING TIME OF TRIAL	No	4/4/2011 11:28 AM
3/28/2011 4:11 PM	164	Petition with a Citation Requested	PETITION TO REOPEN THE MATTER BASED UPON NEWLY COMPILED STUDY OF THE BARNES SUGGESTING A MORE DEEPER AND VALUABLE CHARACTER TO THE PLACE THAN PREVIOUSLY UNDERSTOOD	No	4/4/2011 10:03 AM
3/29/2011 12:31 PM	165	Order / Decree	RULE RETURNABLE MAY 13 2011. (JO)	No	4/4/2011 10:03 AM
3/29/2011 12:57 PM	166	Order / Decree	UPON CONSIDERATION OF THE OUTSTANDING PETITION TO REOPEN MATTER, THE PRELIMINARY OBJECTIONS FILED THERETO, AND BY AGREEMENT OF COUNSEL FOR ALL PARTIES, THE BARNES FOUNDATION AND THE OFFICE OF THE PA ATTORNEY GENERAL, OBJECTANTS, ARE ORDERED/DIRECTED TO FILE BRIEFS IN SUPPORT OF THE PRELIMINARY OBJECTIONS WITHIN THIRTY DAYS. COUNSEL FOR THE PETITIONERS SHALL FILE A RESPONSE BRIEF WITHIN TWENTY DAYS OF RECEIPT OF OBJECTANTS' BRIEFS. UPON RECEIPT OF THE BRIEFS, THE COURT WILL SCHEDULE ORAL ARGUMENT. (JO)	No	4/4/2011 9:53 AM
4/27/2011 12:45 PM	167	Preliminary Objections		No	4/28/2011 11:05 AM
4/27/2011 12:49 PM	168	Memorandum of Law/Brief	OF THE BARNES FOUNDATION IN SUPPORT OF ITS PRELIMINARY OBJECTIONS TO THE PETITION OF FRIENDS OF THE BARNES FOUNDATION	No	4/28/2011 11:05 AM
5/6/2011 2:14 PM	169	Preliminary Objections	TO RESPONDENT'S PRELIMINARY OBJECTIONS FEUDALE'S OBJECTIONS	No	5/26/2011 12:45 PM
5/11/2011 11:27 AM	170	Preliminary Objections	OF THE COMMONWEALTH OF PA TO PETITION TO REOPEN THE MATTER BASED UPON NEWLY COMPLETED STUDY OF THE BARNES SUGGESTING A MORE DEEPER AND VALUABLE CHARACTER TO THE PLACE THAN PREVIOUSLY UNDERSTOOD	No	5/27/2011 9:00 AM
5/12/2011 9:58 AM	172	Order / Decree	UPON CONSIDERATION OF THE PETITIONERS' REQUEST TO EXTEND THE BRIEFING SCHEDULE, IT IS ORDERED/DECREEED THE REQUEST IS GRANTED AND PETITIONERS' BRIEF IS DUE ON OR BEFORE FRIDAY, MAY 20, 2011. (JO)	No	5/16/2011 8:30 AM
5/12/2011 10:01 AM	173	Order / Decree	THE PRELIMINARY OBJECTIONS FILED ON MAY 6, 2011, BY PETITIONER, RICHARD R. FEUDALE, ARE DISMISSED AS AN INAPPROPRIATE PLEADING. THE OFFICE OF THE PA ATTORNEY GENERAL, OBJECTANT, IS ORDERED/DIRECTED TO FILE A BRIEF IN SUPPORT OF ITS PRELIMINARY OBJECTIONS TO PETITIONER FEUDAL'S PETITION WITHIN THIRTY DAYS. THE BARNES FOUNDATION, OBJECTANT, HAVING ALREADY FILED ITS BRIEF, PETITIONER FEUDAL IS ORDERED/DIRECTED TO FILE HIS RESPONSE BRIEF TO BOTH OBJECTANTS WITHIN TWENTY DAYS. UPON RECEIPT OF THE BRIEFS, THE COURT WILL SCHEDULE ORAL ARGUMENT. (JO)	No	5/16/2011 8:30 AM
5/12/2011 2:59 PM	171	Non-Petition Filing	PETITIONER'S REQUEST TO EXTEND THE BRIEFING HEARING	No	5/16/2011 8:45 AM
5/13/2011 2:29 PM	174	Order / Decree	THIS COURT'S ORDER ISSUED MAY 12, 2011 IS VACATED. IT IS ORDERED/DECREEED THAT THE PRELIMINARY OBJECTIONS FILED ON MAY 6, 2011, BY PETITIONER, RICHARD R. FEUDALE, TO THE PRELIMINARY OBJECTIONS FILED BY RESPONDENT, THE BARNES FOUNDATION, ARE DISMISSED AS AN INAPPROPRIATE PLEADING. THE BARNES FOUNDATION, OBJECTANT, HAVING ALREADY FILED ITS BRIEF, PETITIONER FEUDALE IS ORDERED/DIRECTED TO FILE HIS RESPONSE BRIEF WITHIN TWENTY DAYS. UPON RECEIPT OF THE BRIEF, THE COURT WILL SCHEDULE ORAL ARGUMENT. (JO)	No	5/16/2011 8:00 AM
5/18/2011 3:46 PM	175	Answer / Reply / Response	PETITIONERS' ANSWER TO THE OBJECTIONS OF THE ATTORNEY GENERAL	No	5/19/2011 9:20 AM
5/18/2011 3:47 PM	176	Answer / Reply / Response	OF PETITIONERS TO THE PRELIMINARY OBJECTIONS OF THE BARNES FOUNDATION	No	5/19/2011 9:20 AM
5/18/2011 3:50 PM	177	Petition with a Citation Requested	NUNC PRO TUNC PETITION TO INTERVENE	No	5/19/2011 9:20 AM
5/18/2011 3:52 PM	178	Memorandum of Law/Brief	BRIEF OF THE PETITIONERS IN SUPPORT OF THEIR PETITION TO OPEN AND IN SUPPORT OF THEIR POSITION THEY HAVE TAKEN AND IN OPPOSITION TO THE PRELIMINARY OBJECTIONS	No	5/19/2011 9:25 AM
5/19/2011 9:38 AM	170.1	Memorandum of Law/Brief	OF THE COMMONWEALTH OF PENNSYLVANIA IN SUPPORT OF ITS PRELIMINARY OBJECTIONS TO THE PETITION OF FRIENDS OF THE BARNES FOUNDATION, ET AL AND THE PETITION OF RICHARD R. FEUDALE. ESQUIRE	No	1/26/2012 9:53 AM

5/19/2011 4:02 PM	179	Order / Decree	THE PETITION TO INTERVENE FILED BY SAMUEL C. STRETTON, ESQ, ON MAY 18, 2011, IS DISMISSED AS AN INAPPROPRIATE PLEADING. (JO)	No	5/23/2011 9:35 AM
6/2/2011 3:16 PM	180	Answer / Reply / Response	TO THE RESPONDENT BARNES FOUNDATION'S PRELIMINARY OBJECTIONS	No	6/6/2011 10:25 AM
6/2/2011 3:17 PM	181	Answer / Reply / Response	TO THE RESPONDENT COMMONWEALTH'S PRELIMINARY OBJECTIONS	No	6/6/2011 9:50 AM
6/2/2011 3:19 PM	182	Entry of Appearance		No	
6/2/2011 3:20 PM	183	Memorandum of Law/Brief	IN OPPOSITION TO RESPONDENT'S AND DEPUTY ATTORNEY GENERAL BARTH'S PRELIMINARY OBJECTIONS	No	6/6/2011 10:05 AM
6/6/2011 4:09 PM	184	Order / Decree	ORAL ARGUMENT ON ALL OUTSTANDING PRELIMINARY OBJECTIONS TO THE PETITIONS SEEKING TO REOPEN LITIGATION IS SCHEDULED FOR AUGUST 1, 2011. (JO)	No	6/21/2011 1:40 PM
6/15/2011 11:40 AM	185	Answer / Reply / Response	MEMORANDUM OF LAW OF THE BARNES FOUNDATION IN SUPPORT OF ITS PRELIMINARY OBJECTIONS	No	6/17/2011 10:20 AM
6/20/2011 2:30 PM	186	Petition for a Rule Returnable	FOR SPECIAL RELIEF TO MAINTAIN THE STATUS QUO PENDING LITIGATION AND TO RESTRAIN THE SCHEDULED JULY 3, 2011 CLOSURE OF THE BARNES FOUNDATION TO THE PUBLIC	No	6/24/2011 9:55 AM
6/22/2011 8:35 AM	186.1	Order / Decree	SUR PETITION FOR SPECIAL RELIEF FILED BY RICHARD RALPH FEUDALE IS DISMISSED PENDING THE RESOLUTION OF THE PRELIMINARY OBJECTIONS TO PETITIONER'S PETITION TO REOPEN. (JO)	No	3/27/2012 2:04 PM
7/19/2011 3:25 PM	187	Order / Decree	ORAL ARGUMENT SCHEDULED FOR AUGUST 1, 2011, HAS BEEN MOVED FROM COURT ROOM 14 TO COURT ROOM "B". (JO)	No	7/28/2011 1:42 PM
10/6/2011 10:09 AM	188	Opinion & Order	MEMORANDUM OPINION AND ORDER SUR PRELIMINARY OBJECTIONS TO PETITIONS TO REOPEN. THIS ORDER IS NOT FINAL AND IS NOT SUBJECT TO THE FILING OF EXCEPTIONS. (JO)	No	10/6/2011 10:29 AM
11/3/2011 11:14 AM	189	Order / Decree	THE BARNES FOUNDATION HAVING FILED ITS STATEMENT OF FEES AND COSTS INCURRED IN OPPOSITION TO THE PETITIONS TO REOPEN, PETITIONERS ARE DIRECTED TO ADVISE THE COURT IN WRITING WITHIN TWENTY DAYS OF THIS ORDER WHETHER ANY PARTY WISHES FOR AN EVIDENTIARY HEARING TO BE SCHEDULED AS TO THE REASONABLENESS AND/OR NECESSITY OF THE FEES AND COSTS SET FORTH. (JO)	No	11/22/2011 7:45 AM
11/3/2011 12:21 PM	188.1	Non-Petition Filing	STATEMENT OF FEES AND COSTS	No	12/7/2011 11:35 AM
11/4/2011 11:53 AM	190	Motion	OPEN LETTER TO JUDGE STANLEY OTT AND SPECIAL REQUEST FOR RECONSIDERATION FOR STANDING IN THE BARNES ESTATE CASE. AMICUS CURIAE, QUAKER FRIEND OF THE COURT, RONALD WILLIAM TAYLOR, PRO SE.	No	11/21/2011 2:14 PM
11/9/2011 12:15 PM	191	Motion	REQUESTING AN EVIDENTIARY HEARING ON THE REASONABLENESS OF FEES AND THE NECESSITY OF SANCTIONS	No	2/8/2012 12:48 PM
11/9/2011 3:34 PM	190.1	Order / Decree	SUR REQUEST FOR RECONSIDERATION, THE "OPEN LETTER AND SPECIAL REQUEST FOR RECONSIDERATION FOR STANDING" FILED BY RONALD WILLIAM TAYLOR, IS DISMISSED ON THE GROUNDS THAT IT IS AN INAPPROPRIATE PLEADING AND THAT THE MOVING PARTY LACKS STANDING UNDER THE HOLDINGS OF THIS AND THE PENNSYLVANIA APPELLATE COURTS IN THIS AND OTHER MATTERS. (JO)	No	11/21/2011 12:50 PM
11/23/2011 8:38 AM	192	Answer / Reply / Response	FEUDALE'S REQUEST FOR HEARING UPON THE REASONABLENESS OF COSTS AND FEES AND TO RECONSIDER THE AWARD OF COSTS AND FEES	No	12/7/2011 8:30 AM
11/30/2011 2:22 PM	191.1	Order / Decree	HEARING FOR THE LIMITED PURPOSE OF CHALLENGING THE REASONABLENESS OF THE FEE SUBMISSION FOR THE BARNES CORPORATION IS SCHEDULED FOR JANUARY 19, 2012. (JO)	No	3/27/2012 1:29 PM
12/7/2011 4:09 PM	191.2	Order / Decree	ON MOTION OF SAMUEL C. STRETTON, ESQ, THE HEARING FOR THE LIMITED PURPOSE OF CHALLENGING THE REASONABLENESS OF THE FEE SUBMISSION FOR THE BARNES CORPORATION SCHEDULED FOR JANUARY 19, 2012, IS RELISTED FOR FEBRUARY 2, 2012. (JO)	No	3/27/2012 1:29 PM
3/7/2012 11:35 AM	193	Order / Decree	EXCEPTIONS TO THIS FINAL ORDER AND TO THE MEMORANDUM OPINION AND ORDER OF OCTOBER 6, 2011, MAY BE FILED WITHIN TWENTY DAYS FROM THE DATE HEREOF. AN APPEAL MAY BE FILED TO THE APPROPRIATE APPELLATE COURT WITHIN THIRTY DAYS FROM THE ENTRY OF THIS ORDER. (JO)	No	3/7/2012 12:22 PM
3/13/2012 8:51 AM	193.1	Notice of Appeal		No	3/23/2012 10:49 AM
3/13/2012 9:05 AM	193.1.1	Motion	FOR DETAILED ORDER TO TRANScribe TESTIMONY FOR PURPOSES OF APPEAL	No	3/23/2012 10:49 AM
3/16/2012 10:58 AM	194	Certificate of Service / Proof of Service	AMENDING PROOF OF SERVICE AND ORDER FOR TRANSCRIPT	No	4/10/2012 11:04 AM
3/27/2012 10:12 AM	193.1.2	Certificate of Service / Proof of Service	SECOND AMENDEN	No	4/10/2012 11:04 AM
3/27/2012 3:56 PM	195	Notes of Testimony	FEBRUARY 2, 2012	No	
4/4/2012 9:39 AM	196	Notice of Appeal	NOTICE OF CROSS APPEAL	No	4/5/2012 9:24 AM
4/4/2012 9:42 AM	196.1	Entry of Appearance	OF LAWRENCE BARTH ON BEHALF OF THE COMMONWEALTH OF PA, OFFICE OF ATTORNEY GENERAL	No	4/5/2012 9:24 AM
4/5/2012	197	Notice of Appeal		No	4/23/2012



2:36 PM 8:00 AM

**Hearings**

Date	Time	Room	Judge
1/30/2006	10:00 AM	10	STANLEY R. OTT
6/21/2006	1:30 PM	10	STANLEY R. OTT
7/6/2006	1:30 PM	10	STANLEY R. OTT
10/5/2007	9:30 AM	10	STANLEY R. OTT
10/19/2007	9:30 AM	10	STANLEY R. OTT
10/19/2007	9:30 AM	10	STANLEY R. OTT
3/24/2008	9:30 AM	10	STANLEY R. OTT
3/18/2011	9:30 AM	14	STANLEY R. OTT
3/29/2011	9:30 AM	14	STANLEY R. OTT
5/13/2011	9:30 AM	14	STANLEY R. OTT
8/1/2011	1:30 PM	14	STANLEY R. OTT
8/1/2011	1:30 PM	14	STANLEY R. OTT
1/19/2012	9:30 AM	14	STANLEY R. OTT
2/2/2012	9:30 AM	14	STANLEY R. OTT

**Guardians**

**Superior Court Appeals**

Notice Date	Settle Date
3/13/2012	

**Service Charges**

Date	Description	Qty	Amount
3/26/2012	COPY FEE	72	\$72.00

**Linked Cases**

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