

PHILADELPHIA COURT OF COMMON PLEAS
PETITION/MOTION COVER SHEET

CONTROL NUMBER: 09111466 (RESPONDING PARTIES MUST INCLUDE THIS NUMBER ON ALL FILINGS)

FOR COURT USE ONLY	
ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE:
<i>Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at http://courts.phila.gov</i>	

November Term, 2003
 Month Year
 No. 00946

NEVYAS ETAL VS MORGAN

Name of Filing Party:
DOMINIC MORGAN-DFT

INDICATE NATURE OF DOCUMENT FILED:

- Petition (*Attach Rule to Show Cause*) Motion
 Answer to Petition Response to Motion

Has another petition/motion been decided in this case? Yes No

Is another petition/motion pending? Yes No

If the answer to either question is yes, you must identify the judge(s):

TYPE OF PETITION/MOTION (<i>see list on reverse side</i>)	PETITION/MOTION CODE (<i>see list on reverse side</i>)
MOTION/PETITION REPLY FILED	REPLM
ANSWER / RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding): MTCIA - MOT-CERTFY ORDER INTERLOC APPL	
I. CASE PROGRAM NON JURY PROGRAM	II. PARTIES (<i>required for proof of service</i>) (Name, address and telephone number of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.) JEFFREY B ALBERT 48 OAKWOOD DRIVE , DRESHER PA 19025 CARL HANZELIK DILWORTH PAXSON LLP 3200 MELLON BANK CENTER 1735 MARKET STREET , PHILADELPHIA PA 19103 PETER J HOFFMAN ECKERT SEAMANS CHERIN MELLOTT TWO LIBERTY PLACE 50 SOUTH 16TH ST 22ND FLOOR , PHILADELPHIA PA 19102 LEON W SILVERMAN 230 S. BROAD STREET 17TH FLOOR , PHILADELPHIA PA 19102 HERBERT J NEVYAS 1528 WALNUT ST , PHILADELPHIA PA 19102
III. OTHER	

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

_____ December 24, 2009 _____ DOMINIC J. MORGAN
 (Attorney Signature/Unrepresented Party) (Date) (Print Name) (Attorney I.D. No.)

The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date. No extension of the Answer/Response Date will be granted even if the parties so stipulate.

ANITA NEVYAS-WALLAC

1528 WALNUT ST , PHILADELPHIA PA
19102

NEVYAS EYE ASSOCIATES

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DOMINIC J MORGAN

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HERBERT J. NEVYAS, M.D., and
ANITA NEVYAS-WALLACE, M.D., and
NEVYAS EYE ASSOCIATES, P.C.,
Plaintiffs

vs.

DOMINIC MORGAN, and
STEVEN A FRIEDMAN
Defendants

: COURT OF COMMON PLEAS
: TRIAL DIVISION
: Philadelphia County
: NOVEMBER TERM, 2003
: NO. 946
:
: Control Number **01-09111466**
: Jury Trial demanded on Counterclaim
:

**PRO SE DEFENDANT MORGAN’S SUR-REPLY TO PLAINTIFFS’ REPLY BRIEF IN
SUPPORT OF PLAINTIFFS’ MOTION FOR INTERLOCUTORY APPEAL**

Plaintiffs assert that, if trial occurs with plaintiffs designated limited purpose public figures, they will appeal post-trial. Plaintiffs thus purport that is in everyone's interest to have an interlocutory appeal now, purportedly to save time, etc.

Plaintiffs lack credibility since, as the United States Supreme Court states, interlocutory appeals can increase trial court difficulty, delay, add costs, diminish coherence, and create additional and unnecessary appellate court work:

... interlocutory appeals - appeals before the end of district court proceedings - are the exception, not the rule.... An interlocutory appeal can make it more difficult for trial judges to do their basic job - supervising trial proceedings. It can threaten those proceedings with delay, adding costs and diminishing coherence. It also risks additional, and unnecessary, appellate court work either when it presents appellate courts with less developed records or when it brings them appeals that, had the trial simply proceeded, would have turned out to be unnecessary.

Johnson v. Jones, 515 U.S. 304 at 309, 115 S. Ct. 2151 at 2154 (1995)

Plaintiffs lack credibility since, as defendant Friedman notes in his Sur-Reply to Plaintiffs' Reply Brief, none of the cases cited by plaintiffs are relevant to the issue before this Court.

Plaintiffs lack credibility since, as defendant Morgan's *unopposed* cross-motions currently before this Court show, plaintiffs' entire case should be dismissed.

This Court's October 4, 2009 Order complies with the Superior Court remand and does not abuse discretion. Plaintiffs' Motion for interlocutory appeal should be denied.

VERIFICATION:

I, Dominic J. Morgan, defendant *pro se* verify these statements to be true, and understand that these statements are made subject to penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

CERTIFICATE OF SERVICE:

I certify that a true and correct copy of the attached document has been e-mailed or mailed first class prepaid to the persons listed below on the date listed below:

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Respectfully submitted,



Dated December 23, 2009

Dominic J. Morgan, *pro se*