

App. 1

IN THE SUPERIOR COURT  
OF PENNSYLVANIA  
EASTERN DISTRICT

TAWOOS BAZARGANI, : No. 2614 EDA 2017  
Appellant : (C.P. Montgomery  
v. : County  
: No. 2016-10451)  
LATCH'S LANE OWNERS :  
ASSOCIATION, ET AL. :

ORDER

(Filed Oct. 10, 2017)

Appellant has filed an “application for clarification” in response to this Court’s September 6, 2017 Order directing Appellant to show cause as to why this appeal should not be quashed as untimely.

An appeal properly lies only from a final order unless otherwise permitted by rule or statute. *McCutcheon v. Philadelphia Elec. Co.*, 788 A.2d 345 (Pa. 2002). Pa.R.A.P. 341(b)(1) states: “A final order is any order that disposes of all claims and of all parties.” A trial court’s denial of reconsideration is not subject to review on appeal. *Cheathem v. Temple University Hosp.*, 743 A.2d 518 (Pa. Super. 1999). *See also Valley Forge Center Associates v. Rib-It/K.P., Inc.*, 693 A.2d 242 (Pa. Super. 1997) (thirty-day appeal period may be tolled if trial court expressly grants motion for reconsideration within thirty days after entry of original order; mere filing of motion for reconsideration is insufficient to toll appeal period).

App. 2

The July 18, 2017 order is not appealable because it in effect denied reconsideration of the April 12, 2017 order. The April 12, 2017 order dismissing Appellant's complaint appears to be the final, appealable order in this case, as it disposed of all claims and all parties. Appellant filed a notice of appeal on August 14, 2017, more than four months after entry of the April 12, 2017 order and nearly two months after Appellant's alleged medical emergency ended. *See Pa.R.A.P. 903(a)* (notice of appeal shall be filed within thirty days after entry of order from which appeal is taken); *Criss v. Wise*, 781 A.2d 1156 (Pa. 2001) (appeal *nunc pro tunc* requires appellant to prove (1) appellant filed notice of appeal late as [sic] result of non-negligent circumstances; (2) appellant filed notice of appeal shortly after expiration date; and (3) appellee was not prejudiced by delay).

Accordingly, the appeal at No. 2614 EDA 2017 is hereby **QUASHED**.

Appellant's September 18, 2017 application for clarification is **DENIED** as moot.

PER CURIAM

---

App. 3

---

TAWOOS BAZARGANI, M.D. : COURT OF  
v. : COMMON PLEAS  
LATCH'S LANE OWNERS : MONTGOMERY  
ASSOCIATION, et al. : COUNTY,  
: PENNSYLVANIA  
: CIVIL DIVISION  
: NO.: 2016-10451

---

**ALTERNATIVE ORDER**

AND NOW, this 10th day of April 2017, upon consideration of Defendant's Preliminary Objections Pursuant to Pa. R. Civ. P. 1028(a)(4), and any response thereto, it is hereby ORDERED and DECREED that Plaintiff's Complaint is DISMISSED WITH PREJUDICE.

/s/ Honorable Carolyn Tornetta Carluccio  
J.

2016-10451-0029 4/12/2017 9:45 AM #11237161  
Order

Rept#Z3109175 Fee: \$0.00

Mark Levy - MontCo Prothonotary

THIS DOCUMENT WAS DOCKETED  
AND SENT ON 04/12/2017

---

**COMMONWEALTH OF PENNSYLVANIA  
MONTGOMERY COUNTY  
IN THE COURT OF COMMON PLEAS**

Tawoos Bazargani, M. D. \* Civil Action  
400 Old Lancaster Road \* No. 2016-10451  
No. 406 \*  
Merion, PA. 19066 \*  
  
Vs. \*  
  
Latch's Lane Owners \*  
Association And The \*  
Board of Latch's Lane \*  
Owners Association \*  
Latch's Lane Condominium \*  
40 Old Lancaster Road \*  
Merion, PA. 19066 \*

## ORDER

AND NOW 18th of July, 2017 upon consideration of "PLAINTIFF TAWOOS BAZARGANI, M. D. PURSUANT TO PENNSYLVANIA RULES OF CIVIL Procedure Plaintiff Tawoos Bazargani, M. D. Pursuant To Pennsylvania Rules Of Civil Procedure Rules 208.2 And 216(2) Files The Instant Motion To Object To The Order of April 10, 2017 And April 12, 2017 Of The Above Honorable Court Dismissing The Above Claim While Plaintiff Out Of The State Sick Leave And To Object Mishandling Plaintiff's Mails While In Sick Leave Therefore To Request Honorable Court Of Both Reopening The Above Claim And Ordering The Above Defendants Of Returning All Of Plaintiff's Mails In

App. 5

Their Possession" it has been ORDERED and DE-CREED that the said Motion ~~was granted~~ is denied.

/s/ [Illegible]

---

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

**TAWOOS BAZARGANI, M.D., : No. 757 MAL 2017**

Petitioner	: Petition for Allow-
v.	: ance of Appeal from:
LATCH'S LANE OWNERS	: the Order of the
ASSOCIATION AND THE	: Superior Court
BOARD OF LATCH'S LANE	: :
OWNERS ASSOCIATION,	: :
Respondents	: :

**ORDER**

**PER CURIAM**

**AND NOW**, this 16th day of April, 2018, the Petition for Allowance of Appeal is **DENIED**.

---