

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

JOEL D. GUSKY, ESQUIRE,

Appellant

v.

HARVEY, PENNINGTON, LTD.,

Appellee

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 2919 EDA 2012

Appeal from the Order of August 27, 2012,  
in the Court of Common Pleas of Philadelphia County,  
Civil Division at No. 090500733 May Term, 2009

BEFORE: STEVENS, P.J., WECHT and COLVILLE\*, JJ.

MEMORANDUM BY COLVILLE, J.:

**FILED MAY 03, 2013**

This is an appeal from the order granting summary judgment to Appellee. We quash this appeal.

The relevant background of the case is as follows. Appellant filed an action against Appellee for breach of contract; he also sought declaratory judgment as ancillary relief. Appellee filed an answer and a counterclaim for breach of contract. Although the order on appeal disposed of Appellant's claims, the record indicates that Appellee's counterclaim remains outstanding.

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\*Retired Senior Judge assigned to the Superior Court.

Pursuant to 42 Pa.C.S.A. § 742, this Court has jurisdiction over appeals from final orders.<sup>1</sup> Pennsylvania Rule of Appellate Procedure 341 defines “final order” as any order that, *inter alia*, “disposes of all claims and of all parties[.]” Pa.R.A.P. 341(b)(1).

Because Appellee’s counterclaim remains unresolved, the order granting summary judgment on Appellant’s claims is not a final order. Furthermore, we can discern no other manner in which the order could be considered immediately appealable. Thus, we do not have jurisdiction to consider the merits of Appellant’s appeal. We quash the appeal.

Appeal quashed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Karen Gambetti", written over a horizontal line.

Prothonotary

Date: 5/3/2013

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<sup>1</sup> Appellant’s Statement of Jurisdiction indicates Section 742 is applicable to this appeal.