

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

POM OF PENNSYLVANIA, LLC	:	No. 11 EAP 2023
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF REVENUE, AND CITY OF PHILADELPHIA	:	
	:	
APPEAL OF: PENNSYLVANIA GAMING CONTROL BOARD	:	

ORDER

PER CURIAM

DECIDED: July 21, 2023

AND NOW, this 21st day of July, 2023, the Notice of Appeal is QUASHED. See 42 Pa.C.S. § 723(a) (limiting this Court’s jurisdiction to “appeals from final orders of the Commonwealth Court entered in any matter which was originally commenced in the Commonwealth Court”); Pa.R.A.P. 341(b)(1) (defining a final order as one that “disposes of all claims and of all parties”); Pa.R.Civ.P. 232(a) (“A discontinuance or nonsuit shall not affect the right of the defendant to proceed with a counterclaim theretofore filed.”). *Cf. Melvin v. Doe*, 836 A.2d 42, 44 n.4 (Pa. 2003) (“[A]n order denying a motion for summary judgment does not terminate the litigation, and thus is not an appealable order.”).

The Application for Leave to File Answer to Jurisdictional Statement *Nunc Pro Tunc* is DISMISSED as moot.