

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

OVERNITE TRANSPORTATION	:	No. 533 MAL 2001
COMPANY,	:	
Petitioner,	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court
v.	:	
	:	
LOCAL UNION NO. 107,	:	
Respondent.	:	

ORDER

PER CURIAM:

DECIDED: December 13, 2001

AND NOW, this 13th day of December, 2001, the Petition for Allowance of Appeal is GRANTED. The appeal below was untimely filed and there was no showing of fraud or a breakdown in the court's operation to permit entertaining the appeal. The Superior Court lacked jurisdiction over the appeal. Accordingly, the order of the Superior Court is REVERSED. See West Penn Power Co. v. Goddard, 333 A.2d 909, 912 (Pa. 1975) (time for taking appeal cannot be extended as matter of grace).

Mr. Justice Zappala and Mr. Justice Cappy dissent.