

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA
CIVIL ACTION AT LAW**

**LEAH HOOPES, GREGORY
STENSTROM and
NICHOLE MISSINO**

CV-2022-008091

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v.

**DELAWARE COUNTY BOARD
OF ELECTIONS, et al**

1004 EDA 2026

OPINION

Bucci, S.J.

May 18th, 2026

NATURE AND HISTORY OF THE CASE

On April 5, 2026, Petitioner/Appellant, Gregory Stenstrom (hereinafter "Stenstrom"), filed an omnibus appeal to Orders entered "on or about January 29, 2026." (4/5/26 Notice of Appeal to Superior Court, p. 1).¹ Attached to the appeal were four (4) Orders including the following:

- January 28, 2026 Order denying Petitioner Stenstrom's December 29, 2025 Verified Motion to Expedite Ruling on Pending Petition for Recusal;

¹Stenstrom filed the instant appeal with the Pennsylvania Superior Court; however, as this matter involved the 2022 election the appeal should likely have been filed with the Pennsylvania Commonwealth Court.

- January 28, 2026 Order denying Petitioner Stenstrom's December 29, 2025 Verified Motion to Vacate Void Orders Entered Without Authority;
- January 28, 2026 Order denying Petitioner Stenstrom's December 29, 2025 Verified Petition for Recusal of Senior Judge James M. Bucci; and
- March 9, 2026 Order striking Petitioner Stenstrom's February 11, 2026 Verified Motion to Vacate Void Orders Entered Without Adjudicated Jurisdiction.

The nature and salient history of this case follows. The instant matter was filed in October 2022 primarily seeking injunctive relief prior to the certification of the November 2022 elections. Petitioners cite to election integrity and aver Delaware County failed to adequately perform testing on certain voting machines and failed to confirm the identify of individuals who requested and received mail-in ballots. The Complaint also contains a general claim for breach of fiduciary duty by the County for allowing these purported deficiencies to occur.

The Trial Court² held an evidentiary hearing on the request for injunctive relief on November 21, 2022. The hearing lasted almost nine (9) hours and on November 22, 2022, the Trial Court issued an Order denying the request for injunctive relief.

(11/22/22 Order). The Order stated that Petitioners failed to establish any of the elements for a preliminary injunction, even after three separate filings and nine (9) hours of testimony. (11/22/22 Order, ¶ 7). The Trial Court also found the testimony offered by employees of the Board, including Chief Clerk Lauren Hagan and Director of Elections James Allen, to be "candid, competent, and credible," and that this testimony established that proper election processes and laws were followed in Delaware County. (11/22/22 Order, ¶ 5). The Order concludes with the following paragraph:

"After three separate motions, and almost nine hours of testimony, Plaintiffs are unable to demonstrate a clear right to relief or likelihood of prevailing on the merits because the underling Emergency Petition although styled an Emergency Motion For Temporary Restraining Order Pending Hearing For Preliminary Injunction is

² The November 21, 2022 hearing was held before the Honorable Barry C. Dozor. Judge Dozor retired from the bench on December 31, 2024.

really an improper election contest and is therefore denied.”

(11/22/22 Order, ¶ 7).

Petitioners failed to appeal the November 22, 2022 Order and the election has long since been certified.

On November 23, 2022, the Respondents filed Preliminary Objections to the underlying Complaint and on December 9, 2022, Petitioners filed a response. It appears that the Preliminary Objections were never assigned to Judge Dozor for disposition. As Judge Dozor decided the preliminary injunctive relief at issue in November 2022, the only remaining claim left to be addressed by the undersigned³ was a general claim for breach of fiduciary duty by the County for purportedly allowing these deficiencies to occur. By Orders dated December 3, 2025 and docketed of record on December 4, 2025, the undersigned sustained Respondents' Preliminary Objections, dismissed the November 4, 2022 Complaint with prejudice and granted Respondent's Motion striking Petitioner's Amended Complaint. (12/3/25 Orders). No

³ By Order dated October 29, 2025, the Honorable James M. Bucci was assigned to preside over this matter.

appeal of the December 3, 2025 final Orders disposing of the case were filed.

Nevertheless, Petitioner Stenstrom continued his motion practice, including filing the four (4) motions/petitions referenced in the April 5, 2026 omnibus appeal. Three (3) of those motions were denied by Orders dated January 28, 2026 and the remaining motion was stricken by Order dated March 9, 2026. The instant omnibus appeal was filed on April 5, 2026.

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**CONCISE STATEMENT OF
ERRORS COMPLAINED OF ON APPEAL**

Prior to a 1925(b) Order being entered, Stenstrom *sua sponte* filed a Concise Statement of Errors Complained of on Appeal on April 5, 2026, and posits the following errors:

- I. Entering Dispositive Relief Without Adjudicating Mandatory Recusal;
- II. Denying Recusal Despite Structural Conflict of Authority;
- III. Sustaining Void Orders Without Resolving Jurisdictional Prerequisites;
- IV. Sustaining Dismissal Without Authority and Without Reviewability;
- V. Proceeding Without Resolving Threshold Authority Issues; and
- VI. Denying Relief Without Findings or Reasoning for Review.

DISCUSSION

The instant omnibus appeal should be quashed for several fatal procedural defects. The omnibus appeal was untimely. One appeal was presumably filed addressing multiple orders of court and the Concise Statement of Errors Complained of Appeal is incoherent. Substantively, Stenstrom erroneously argues recusal was required and incorrectly contends the Orders at issue were defective.

I. Untimely Appeal

Pa.R.A.P. 903, Time for Appeal, provides:

(a) General rule. Except as otherwise prescribed by this rule, the notice of appeal required by Rule 902 (manner of taking appeal) shall be filed **within 30 days after the entry of the order from which the appeal is taken.**

(emphasis added).

The portion of the omnibus appeal which seeks appellate review of three (3) Orders dated January 28, 2026 is clearly untimely. The Orders from which Stenstrom purports to appeal were dated January 28, 2026 and docketed of record the

following day, January 29, 2026. Therefore, Stenstrom was required to file appeals of these Orders no later than March 2, 2026.⁴ See Pa.R.A.P. 903(a) (an appeal "shall be filed within 30 days after the entry of the order from which the appeal is taken"). "An appeal permitted by law as of right from a lower court to an appellate court shall be taken by filing a notice of appeal with the clerk of the lower court within the time allowed by Rule 903 (time for appeal)." Pa.R.A.P. 902. Failure to comply with the applicable appellate rules, divest the appellate courts of jurisdiction and the instant appeal should be quashed. Cheathem v. Temple University Hosp., 743 A.2d 518, 521 (Pa. Super. 1999); Valley Forge Ctr. Associates v. Rib-It/K.P., Inc., 693 A.2d 242, 245 (Pa. Super. 1997); see also Pa.R.A.P. 105(b) (appellate court may not enlarge time for filing a notice of appeal).

The docket reflects that Stenstrom filed his omnibus appeal on April 5, 2026, sixty-six (66) days after entry of the January 2026 orders and thirty-four (34) days beyond the rule's deadline.

⁴ Thirty (30) days after the entry of the order is Saturday, February 28, 2026. Therefore, the appeal date is extended to Monday, March 2, 2026.

On their face, the appeals of the January 2026 Orders are untimely under Pa.R.A.P. 903(a).

While the omnibus appeal of the March 9, 2026 Order striking Petitioner Stenstrom's February 11, 2026 "Verified Motion to Vacate Void Orders Entered Without Adjudicated Jurisdiction" was filed within the requisite thirty (30) days, this Order is not a final order and subject to appeal. Appellate jurisdiction "extends to (1) a final order or an order certified by the trial court as a final order; (2) an interlocutory order as of right; (3) an interlocutory order by permission; (4) or a collateral order." Whittaker v. Lu, 323 A.3d 871, 874-875 (Pa. Super. 2024).

Stenstrom's attempt to appeal the March 9, 2026 Order is akin to a party's attempt to appeal an order denying a motion for reconsideration rather than appealing the original order. A party's filing of a motion for reconsideration does not stay the appeal period; the appeal period is only tolled where the trial court expressly grants the request for reconsideration. Oak Tree Condo. Ass'n v. Greene, 133 A.3d 113, 116 (Pa. Cmwlth. 2016). Here, Stenstrom is attempting to appeal the March 9, 2026 Order

denying his February 11, 2026 "Verified Motion to Vacate Void Orders Entered Without Adjudicated Jurisdiction" rather than directly appealing the purportedly "Void Orders" referenced therein and dated December 3, 2025 and January 28, 2026. (2/11/26 Verified Motion to Vacate Void Orders Entered Without Adjudicated Jurisdiction, p 2., Section II.).

Final Orders in this case issued on December 3, 2025 and were docketed of record on December 4, 2025 when the undersigned sustained Respondents' Preliminary Objections, dismissed the November 4, 2022 Complaint with prejudice and granted Respondent's Motion Striking Petitioner's an Amended Complaint. (12/3/25 Orders). No appeal of the December 3, 2025 final Orders disposing of the case were filed. As such, the portion of the omnibus appeal focusing on the March 9, 2026 Order should also be quashed.

"In this Commonwealth, there are few legal principles as well settled as that an appeal lies only from a final order, unless otherwise permitted by rule or statute." McCutcheon v. Philadelphia Elec. Co., 567 Pa. 470, 788 A.2d 345, 349 (2002).

The failure to timely appeal the December 3, 2025 Orders results in waiver of the issues related to those Orders. Porter v. Nikita Lodging, Inc., 274 A.3d 1272, 1283 (Pa. Super. 2022). To preserve his issues for appeal, Stenstrom likely should have appealed the final orders of the case which he presumably refers to as "Void Orders" rather than appealing the subsequent March 9, 2026 Order striking his February 11, 2026 "Verified Motion to Vacate Void Orders Entered Without Adjudicated Jurisdiction." The failure to file timely appeals waives all issues related to those Orders.

II. Sole Appeal of Multiple Court Orders

An appeal may be taken from **an** order. Somerlot v. Jung, 343 A.3d 324, 329 (Pa. Super. 2025), *reargument denied* (Oct. 9, 2025)(emphasis included in original). "[A] single appeal is incapable of bringing on for review more than one [appealable] order, judgment or decree." General Electric Credit Corp. v. Aetna Casualty & Surety Co., 263 A.2d 448, 452 (Pa. 1970). In other words, "when a party seeks to appeal from two, separate orders

entered at the same docket number, the party must file two, separate notices of appeal.” Howard v. First National Bank, 237 A.3d 440, n.1 (Pa. Super. 2020). Typically, if one notice of appeal is filed for multiple orders or judgments, the appellants place the appellate court in the difficult position of deciding which order or judgment the notice of appeal concerns. Id.

As such, the omnibus appeal of four Court Orders is fatal, and the instant appeal should be quashed. Additionally, and addressed in greater detail below, the omnibus appeal in conjunction with the *sua sponte* Concise Statement of Errors which fails to delineate which purported error is attributed to which Order further precludes meaningful appellate review.

III. The *Sua Sponte* Concise Statement of Errors Complained of on Appeal Precludes Meaningful Appellate Review

Stenstrom’s *sua sponte* Concise Statement of Errors Complained of on Appeal fails to adequately identify which Order is subject to the purported error complained of on appeal. “The

[Rule] 1925(b) statement must be sufficiently 'concise' and 'coherent' such that the trial court judge may be able to identify the issues to be raised on appeal, and the circumstances must not suggest the existence of bad faith." Jiricko v. Geico Ins. Co., 947 A.2d 206, 210 (Pa. Super. 2008); See also Kanter v. Epstein, 866 A.2d 394, 401 (Pa. Super. 2004), *alloc. denied*, 584 Pa. 678, 880 A.2d 1239 (2005)(determining that where a total of 104 issues were included in their Rule 1925(b) statements, the appellants raised "an outrageous number of issues, ... deliberately circumvented the meaning and purpose of Rule 1925(b)[,] and ... thereby effectively precluded appellate review of the issues they now seek to raise"). "Even if the trial court correctly guesses the issues an appellant raises on appeal and writes an opinion pursuant to that supposition, the issues are still waived." Kanter, 866 A.2d at 400. Moreover, special relief is not afforded to an appellant merely because of his or her *pro se* status. See Commonwealth v. Rivera, 685 A.2d 1011, 1013 (Pa. Super. 1996) (noting that a *pro se* appellant is not entitled to any particular advantage).

Stenstrom's Concise Statement of Errors Complained of on Appeal presumably focuses on whether the Trial Court possessed the authority to rule on the four (4) orders at issue. However, the issues complained of are collective and fail to connect the supposed error with the Order in question. As such, this fatal defect is yet another reason the instant appeal should be quashed.

IV. Recusal⁵

Substantively, it appears the overarching premise of Stenstrom's *sua sponte* Concise Statement is that the Trial Court acted without authority and recusal was therefore appropriate. The standards for recusal are well established. It is the burden of the party requesting recusal to produce evidence establishing bias, prejudice or unfairness which raises a substantial doubt as to the jurist's ability to preside impartially. Commonwealth v. Abu-Jamal, 720 A.2d 79, 89 (Pa. 1998). The law presumes

⁵ Stenstrom's Errors Complained of on Appeal ##1-5.

judges are honorable, fair, and competent and can rule in an impartial manner and, when confronted with a recusal demand, are able to determine whether they can rule "in an impartial manner, free of personal bias or interest in the outcome." See Lomas v. Kravitz, 130 A.3d 107, 122 (Pa. Super. 2015); Arnold v. Arnold, 847 A.2d 674, 680 (Pa. Super. 2004). If the judge determines he or she can be impartial, "the judge must then decide whether his or her continued involvement in the case creates an appearance of impropriety and/or would tend to undermine public confidence in the judiciary. This is a personal and unreviewable decision that only the jurist can make." Arnold, at 680-681. A judge's decision to deny a recusal motion will not be disturbed absent an abuse of discretion. See In re Lokuta, 11 A.3d at 435. Moreover, "adverse rulings alone do not establish the requisite bias warranting recusal [of a trial judge], especially where the rulings are legally proper." A.C. v. J.B., 296 A.3d 589 (Pa. Super. 2023).

Indeed, Stenstrom's own December 29, 2025 Verified Petition for Recusal appears to limit the issue to the mere

appearance of impropriety as it provides the following
introduction:

"Petitioner respectfully submits this **Petition for Recusal of Senior Judge James M. Bucci** pursuant to **Rule 2.11(A) of the Pennsylvania Code of Judicial Conduct**.

This Petition is **appearance-based only**. It alleges no **bias, animus, or misconduct**, and it does **not** challenge the merits of any ruling. It is filed because the **objective circumstances now reflected on the docket would cause a reasonable observer to question continued impartial adjudication** in this matter."

(12/29/25 Verified Petition for Recusal of Senior Judge James M. Bucci, p.1)(emphasis in the original).

Having considered Stenstrom's underlying motions for recusal this Court determined it could rule in an impartial manner, free of personal bias or interest in the outcome and that continued involvement in the case would not undermine public confidence in the judiciary. Therefore, this issue on appeal lacks merit.

V. Reasoned Decision⁶

In the final issue on appeal, Stenstrom argues the Court “denied relief without findings, reasoning, or identification of governing law sufficient to permit meaningful review.” (4/5/26 Concise Statement of Errors Complained of on Appeal, p. 2). There is no requirement that a trial court issue findings of fact and conclusions of law for standard motions and/or petitions. While a decision of the trial judge following a bench trial⁷ may require general findings and/or conclusions of law, these directives are generally not required for the standard motions/petitions at issue in this case.

Moreover, the Pennsylvania Rules of Appellate Procedure provide for the relief Stenstrom seeks. Pa.R.A.P. 1925(a)(1) provides:

Except as otherwise prescribed by this rule, upon receipt of the notice of appeal, the judge who entered the order giving rise to the notice of appeal, **if the reasons for**

⁶ Stenstrom’s Errors Complained of on Appeal #6.

⁷ Pa.R.C.P. No. 1038.

the order do not already appear of record, shall within the period set forth in Pa.R.A.P. 1931(a)(1) file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, or shall specify in writing the place in the record where such reasons may be found.


Pa.R.A.P. 1925(emphasis added).

For these reasons, Stenstrom's final issue on appeal also lacks merit.

CONCLUSION

Pennsylvania case law and the Rules of Appellate Procedure support the quashal and/or dismissal of the April 5, 2026 omnibus appeal based upon the fatal procedural defects noted above. Substantively, the Trial Court determined it could rule in an impartial manner and therefore, recusal was unnecessary. Finally, the Court's orders were appropriate and should be affirmed on appeal.

BY THE COURT:



JAMES M. BUCCI, S.J.