

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JAMES E. TURNER, : NO. 99-21,010
Plaintiff :
 :
vs. : CIVIL ACTION - LAW
 : Custody
ELISHA R. HIGGINS, :
Defendant :

OPINION IN SUPPORT OF ORDER IN
COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Plaintiff has appealed this Court's Order of July 20, 1999, which refused to assume jurisdiction over a custody matter filed by Plaintiff to the above-captioned number. As the July 20, 1999 Order indicates, this Court refused to assume jurisdiction after consultation with the Honorable Kathleen Mulligan of the Allegheny County Court of Common Pleas. Judge Mulligan placed a call to this Court pursuant to 23 Pa. C.S.A. Section 5347 as a custody proceeding had been initiated in Allegheny County apparently almost simultaneously with the custody proceeding initiated in Lycoming County. Based upon the pleadings, it was agreed upon by both Courts that proper jurisdiction lies in Allegheny County.

As this Court has refused to assume jurisdiction over the matter, reserving the issue of the proper jurisdiction for final decision in Allegheny County, it would seem that an appeal to this Court's Order is inappropriate, as any objections to jurisdiction in Allegheny

County should be argued in Allegheny County.

Dated: _____

By the Court,

Dudley N. Anderson, Judge

cc: Joy McCoy, Esq.
Elisha Higgins
1711 McNary Boulevard
Wilkinsburg, PA 15221
Honorable Dudley N. Anderson
Honorable Kathleen R. Mulligan
610 County Building
Pittsburgh, PA 15219