

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Estate of Marguerite L. Corsetti

928 A.2d 691 (D.C. 2007) · No. Nos. 06-PR-1477, 07-PR-415 · Decided July 26, 2007

SUMMARY

The District of Columbia Court of Appeals held that orders striking a post-judgment certification under Super. Ct. Civ. R. 54-I(a), including orders denying timely reconsideration, are final and appealable. The court clarified that its jurisdiction was supported by *Del Rosario v. Wang* rather than the previously cited probate rule governing intervention proceedings, and allowed the consolidated appeals to proceed.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Blackburne-Rigsby, Associate Judge; Nebeker, Senior Judge; Terry, Senior Judge
JURISDICTION	District of Columbia
DECIDED	July 26, 2007
DOCKET	Nos. 06-PR-1477, 07-PR-415
DISPOSITION	other
PROCEDURAL POSTURE	The District of Columbia Court of Appeals consolidated an appeal from an order admitting Marguerite Corsetti's will to probate with an appeal by the estate's personal representative and trustees from an order striking as untimely a witness-certification filing under Super. Ct. Civ. R. 54-I. The appellee moved for reconsideration or clarification of the court's prior order discharging an order to show cause concerning whether the second appeal was taken from a nonfinal, nonappealable order.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction and the finality and appealability of the challenged probate-related order as questions of law.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Luke De Iuliis, Paul Arient v. Mario Segreti

TOPICS

appellate jurisdiction

final judgment rule

probate procedure

appellate procedure

probate

PRACTICE AREAS

Probate

Appellate procedure

Civil procedure

Trusts

QUESTIONS PRESENTED

1. Whether Superior Court Probate Rule 8(d)(2) provided a basis for appellate jurisdiction over the fiduciaries' appeal.
2. Whether the underlying matter was an intervention proceeding to which Probate Rule 8(d)(2) applied.
3. Whether an order striking a post-judgment Super. Ct. Civ. R. 54-I(a) certification, including an order denying reconsideration of that ruling, is final and appealable.
4. Whether the Court of Appeals should reconsider or clarify its prior order discharging the show-cause order concerning appellate jurisdiction.

HOLDINGS

1. Probate Rule 8(d)(2), which permits an appeal from an order limiting the rights of fiduciaries, is limited to intervention proceedings and did not provide the jurisdictional basis for these appeals because the case was not brought under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act.
2. An order striking a post-judgment Super. Ct. Civ. R. 54-I(a) certification is final and appealable, including an order denying a timely request for reconsideration.

KEY QUOTATIONS

“Under these principles, we now hold that orders striking a post-judgment Super. Ct. Civ. R. 54-I(a) certification are final and appealable.” (693)

“The issue is not one of jurisdiction, but rather of the appropriate scope of review” (693)

FACTUAL BACKGROUND

Marguerite Corsetti's grandson, Mario Segreti, challenged her testamentary capacity, and the Superior Court admitted her will to probate. Corsetti's personal representative and trustees, Luke De Iuliis and Paul Arient, filed a witness certification under Super. Ct. Civ. R. 54-I to recover costs incurred in defending the challenge. The trial court struck the certification as untimely and denied reconsideration.

PROCEDURAL HISTORY

The Superior Court admitted Corsetti's will to probate. After the estate's fiduciaries filed a witness certification to recover litigation costs, the trial court struck the certification as untimely and denied the fiduciaries' timely motion for reconsideration. The Court of Appeals initially directed the fiduciaries to show cause why their appeal should not be dismissed as arising from a nonfinal order, then discharged the show-cause order and

consolidated the appeals. In this opinion, the court denied reconsideration, granted clarification, and explained the jurisdictional basis for the second appeal.

DISPOSITION

other

REMAND INSTRUCTIONS

The consolidated appeals were to proceed to briefing and argument or submission in the usual manner. The June 12, 2007 order discharging the show-cause order remained in effect.

CASES CITED

- Del Rosario v. Wang, 804 A.2d 292 (D.C. 2002)
- Panos v. Nefflen, 205 A.2d 600, 602 (D.C. 1964)