NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

ABRAHIM FATA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
PAMELA PEREZ	:	No. 873 EDA 2026

Appeal from the Order Entered February 25, 2026
In the Court of Common Pleas of Monroe County Civil Division at No(s): 002804-CV-2014,
1347 DR 2012

BEFORE: LAZARUS, P.J., MURRAY, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY LAZARUS, P.J.: **FILED NOVEMBER 13, 2026**

Abrahim Fata appeals from the order, entered in the Court of Common Pleas of Monroe County, denying his February 25, 2026 motion for reconsideration.[1] Upon review, we quash.

Given our disposition, a lengthy recitation of the factual and procedural history of this case is unnecessary. The underlying matter is a custody action dating back to 2014. On January 29, 2026, Fata filed a motion titled "Motion to Compel Production of Audio Recordings Pursuant to Pa.R.J.A. 4007 & 4008," requesting an order compelling the county court reporting services to produce electronic audio recordings of hearings in the custody matter. ***See*** Motion, 1/29/26, at 1 (unpaginated). Fata claimed he needed the recordings "to verify

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* Retired Senior Judge assigned to the Superior Court.

[1] Appellee did not file a brief in this matter.

the testimony and ensure a proper record for future proceedings." ***Id.*** The trial court denied the motion on February 4, 2026, stating that audio recordings are not subject to Pa.R.J.A. 4007[2] and, in any event, the request-for-transcript form attached to the motion referenced a different case. ***See*** Order, 2/4/26.

On February 17, 2026, Fata filed a motion for reconsideration of the February 4, 2026 order, acknowledging the attachment of the incorrect order form and arguing that Pa.R.J.A. 4002 includes, in its definition of notes of testimony, electronic recordings. [3] The trial court issued an order on February 18, 2026, granting in part and denying in part the motion for reconsideration, again denying Fata's request for audio recordings of the hearings because they were not subject to Rule 4007. ***See*** Order, 2/18/26, at 1. Instead, the court ordered the official court reporter to transcribe the notes of testimony of a hearing held in July 2019, a date for which Fata requested the audio recording, with a fee payable to the county for the transcription. ***Id.*** Notably, Fata did not request a written transcript in his original motion or motion for reconsideration. ***See*** Motion, 2/17/26.

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[2] Pennsylvania Rule of Judicial Administration 4007 governs requests for transcripts.

[3] Pennsylvania Rule of Judicial Administration 4002, the "Definitions" section of the Uniform Rules Governing Court Reporting and Transcripts, defines, in pertinent part, notes of testimony as "the official recording of an oral proceeding made whether through use of an electronic device, steno[]mask equipment, stenotype machine, written symbols, or otherwise; and includes the dictionary, media storage files, and other documentation needed to prepare a transcript."

Fata filed a second motion for reconsideration on February 24, 2026. In the motion, Fata said that, though the trial court ordered a transcription of the July 2019 hearing, it did not order the transcription of a hearing, referenced in his motion, which allegedly occurred sometime around October 3, 2017. ***See*** Second Motion for Reconsideration, Motion to Waive Transcript Fees, and Renewed Demand for Audio Recordings, 2/24/26, at 1 (unpaginated). Fata also argued that the fee for transcription should be waived because he qualified for *in forma pauperis* (IFP) status. ***See id.*** at 1–2. Finally, he renewed his request for electronic audio recordings, saying he disagreed with the trial court's interpretation of Pa.R.J.A. 4002. ***See id.*** at 2. The trial court denied this motion in an order issued on February 25, 2026. It explained, first, that it could not find any record of a hearing held on or about October 3, 2017, and invited Fata to file a new motion for transcripts (as opposed to a motion for reconsideration) if he could properly identify the date of the hearing. ***See*** Order, 2/25/26, at 1. It further asserted that it had discretion to decline to waive the transcript fee, despite Fata's IFP status, because the transcript requested was not required for an appeal and not necessary to advance the litigation. ***Id.*** at 1–2. Finally, it again denied Fata's continued request for audio recordings. ***Id.*** at 1.

On March 21, 2026, Fata filed the instant notice of appeal purporting to appeal from the February 25, 2026 denial of his second motion for reconsideration. The trial court filed an opinion pursuant to Pa.R.A.P. 1925(a) on April 9, 2026, asserting that: (1) orders on motions for reconsideration

are not appealable; and (2) the orders at issue are, in any event, interlocutory and are therefore not appealable. ***See*** Trial Court Opinion, 4/9/26, at 1.

On April 23, 2026, we issued a Rule to Show Cause why the case should not be quashed as moot, because the motion requesting transcripts did not appear to be connected to any appeal from the custody matter. Fata responded to the Rule to Show Cause on April 24, 2026, clarifying that the production of the transcript was "essential evidence for a separate [f]ederal civil rights action involving the integrity of the judicial process." ***See*** Response to Rule to Show Cause, 4/24/26, at 1 (unpaginated). He also asserted that the order from which the appeal was taken is a collateral order under Pa.R.A.P. 313. ***Id.*** The same day, April 24, 2026, this Court issued an order discharging the Rule to Show Cause.[4]

The February 25, 2026 order from which Fata purports to appeal—the denial of his second motion for reconsideration—is an unappealable order. As the trial court observes, ***see*** Trial Court Opinion, 4/9/26, at 3, orders denying reconsideration of an appealable order are not themselves appealable unless the motion was expressly granted within the thirty-day appeal period. ***See*** Pa.R.A.P. 1701(b)(3)(i), (ii). ***See, e.g.***, ***Gardner v. Consol. Rail Corp.***, 100 A.3d 280, 283 (Pa. Super. 2014). Furthermore, even if we were to construe Fata's appeal as an appeal of the underlying order, the appeal would be

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[4] Notably, Fata did not include in his response any docket number or identifying information for the alleged federal case.

untimely, because the original order was issued on February 4, 2026, and Fata's notice of appeal was not filed until March 21, 2026, well over 30 days after the entry of the original February 4 order. ***See*** Pa.R.A.P. 903.[5]

Appeal quashed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/13/2026

[5] Moreover, even if we were to construe the appeal as arising from the trial court's February 18, 2026 order granting in part and denying in part Fata's first motion for reconsideration, his appeal was filed 31 days after that order, and, therefore, is also untimely. The only possible reason to consider the February 18, 2026 order an appealable order is because Fata's motion was granted, in part. However, the relief granted was not the relief sought, and it did not address any of the issues Fata purports to address on appeal. In any event, it does not change our disposition, because it would be untimely in any event.