



THE WESTERN PENNSYLVANIA TRIAL LAWYERS ASSOCIATION'S

# THE ADVOCATE

## THE ADVOCATE

PUBLISHED QUARTERLY BY  
WESTERN PA TRIAL  
LAWYERS ASSOCIATION

WINTER 2018  
VOLUME 30, NO. 2

## OFFICERS

President - Elizabeth A. Chiappetta  
Immed. Past President - Sandra S. Neuman  
President-Elect - Bryan S. Neiderhiser  
Vice President - David M. Landay  
Secretary - Eric J. Purchase  
Treasurer - Mark E. Milsop  
Editor - Erin K. Rudert  
Executive Director - Laurie J. Lacher

## WESTERN PENNSYLVANIA TRIAL LAWYERS ASSOCIATION

ASSOCIATION OFFICE:  
909 MOUNT ROYAL BLVD, STE 102  
PITTSBURGH, PA 15223-1030  
412-487-7644  
LAURIE@WPTLA.ORG  
WWW.WPTLA.ORG

## ANNUAL COMEBACK AWARD DINNER RECAP

WPTLA held its annual Comeback Award Dinner on November 8 at the Cambria Hotel and Suites, and Deidre Marie Staso, client of Denny and Laura Phillips of Phillips, Phillips & Smith-Delach, P.C. in Washington and Pittsburgh, received this year's Comeback Award.

The Comeback Award is given every year to a current or former client of a WPTLA member who has shown rare courage and determination in overcoming a serious and disabling injury. The winner is chosen by the Comeback Award Committee, chaired this year by Dave Landay, based upon submissions by attorneys nominating their clients. This year, Deidre Staso was chosen from among 3 nominees.

Deidre's story of courage begins with her birth. Deidre was born with spina bifida, and had her first surgery when she was 3 days old. She used crutches to walk throughout her life, and as she said in a touching video presentation that was shown at the dinner, she never let her crutches limit anything that she wished to do. WPTLA members were shown photos depicting Deidre enjoying traveling, trips to the beach,

and celebrating Halloween, her favorite holiday. Deidre was married in 1999, and she was even able to walk down the aisle without the use of her crutches. Her wedding was featured on the television show *A Wedding Story*.

At the same time, Deidre also underwent many surgeries throughout her life to correct problems that arose due to her spina bifida. She reports having over 4 dozen surgeries to every part of her body. In November 2010, Deidre underwent a scheduled hysterectomy. During the course of the surgery, multiple enterotomies, or unintended cuts in the intestines, were made by the surgeon. One was so large that it nearly transected the intestine. These enterotomies caused Deidre to develop a fistula, a growth between the intestines and skin that causes a patient to leak bowel contents through the skin and which can be very slow and painful to heal. In addition to the fistula, Deidre developed a severe infection that ultimately led to her being hospitalized for over a month. During that time, Deidre was only able to eat via intravenous nutrition. The fistula, infection,

*(Continued on Page 2)*



*"Deidre admits that at times, her spirits were extremely low. She had lost her independence, her marriage, and her job. At times, she felt as though her border collie, Shelby, was the only bright spot in her life."*

and lack of solid food for such an extended period of time caused Deidre to become very weak.

When Deidre was finally discharged, right at Christmas, all that she wanted to do when she got home was take a bath – understandably! Unfortunately, due to her weakened state, Deidre fell in the bathtub and broke her femur, causing her to have to be taken back to the hospital.

Over the next months and years, Deidre battled not only with the injuries to her intestines caused during the hysterectomy, but with a femur injury that would not heal. Months of failed surgeries, therapies, and rehabilitation turned into years. During this time, Deidre was unable to return to her job at a physician's office, which she had greatly enjoyed. Perhaps most crushing, her husband left, and announced that he wanted a divorce. Ultimately, in the spring of 2013, Deidre and her physicians determined that she required an above-the-knee amputation. While the amputation has been successful in stopping the repeated fractures and infections that Deidre had been dealing with for years, it also has rendered Deidre unable to use her crutches for mobility and required her to become dependent upon a wheelchair.

Deidre admits that at times, her spirits were extremely low. She had lost her independence, her marriage, and her job. At times, she felt as though her border collie, Shelby, was the only bright spot in her life.

But then, Deidre began working at TRPIL. TRPIL ([www.trpil.com](http://www.trpil.com)), Transitional Paths to Independent Living, is an organization focused on providing support and assistance to persons with disabilities in areas such as housing, employment, transportation, education, equal access, and assistive technology. TRPIL is based in Washington, PA and provides a wide range of services, from an on-site internet café for those without internet access to TTY phones for clients to use in their homes. Deidre initially began working for TRPIL as a volunteer, but she quickly became such a valuable resource to the organization that she's been brought on as a part-time employee. Deidre related to WPTLA members that her work at TRPIL assisting other individuals with disabilities not only makes her feel fulfilled and empowered, but that she also enjoys serving as a role model for TRPIL's clients. Although from time to time she may require more assistance than she once did, Deidre still lives independently (well, with her beloved Shelby!), drives her own car, and takes

care of herself. Most importantly, Deidre's work at TRPIL has helped her to regain her sense of fun and adventurous spirit, both of which seemed at times to be in short supply during the worst periods after the 2010 surgery.

At the November 8 dinner, TRPIL was presented with a \$2,500.00 check given on behalf of WPTLA, which was accepted by not only Deidre, but Joann Naser, Director of Development for TRPIL, and Nan Sninsky, Chief Administrative Officer for TRPIL. Nan told WPTLA members that the contribution would aid the organization in restoring an historic Washington building that they had recently purchased to serve as the organization's new headquarters.

By: Laura Philips, Esq., of Phillips Phillips & Smith-Delach, P.C.  
ldp@pflo.com

Pictures from the event can be found on p. 15



Transitional Paths to Independent Living  
201 Penn Center Boulevard, Ste 204 Voice: (724) 223-5115  
Monroeville, PA 15235 TTY: (724) 228-40  
www.wtpil.com Fax: (724) 223-5119

November 9, 2017

Ms. Laurie J. Lacher  
Executive Director  
Western Pennsylvania Trial Lawyers Association  
900 Mount Royal Boulevard, Suite 102  
Pittsburgh, PA 15223-1030

Dear Laurie,

On behalf of Transitional Paths for Independent Living (TRPIL) and the consumers that we serve, I wanted to thank the Western Pennsylvania Trial Lawyers Association (WPTLA) for its extraordinary donation of \$2,500.00 in honor of Deidre Staso. We are so thrilled that Deidre, your 2017 Comeback Award Client, had chosen TRPIL as her charity of choice.

Of course, we agree with the WPTLA's selection of Deidre as its Comeback award Client winner. She has exuded strength, courage, and dignity through her setbacks, and she acts as a role model to others, myself included.

This donation will be used towards the renovation of the former YWCA Building, 42 West Maiden Street, Washington, which will become our new headquarters and community center as soon as next May! We are so excited about the increased space and ways to better serve our consumers who live with disabilities through Southwestern Pennsylvania.

Deidre is eager to work in the new facility that will have expanded programs including assistive technology, independent living skills training, and advocacy to name a few. She continues to encourage individuals to live their lives to the fullest.

Once again, we are enormously grateful to the WPTLA for its significant donation. If you need any other information, please let me know.

Sincerely,

Joann Naser  
Director of Development



The fall season brought some fun events on our WPTLA calendar – a new dinner idea with wine tasting, the Steelwheelers' 5K race, our Comeback Award Dinner, and a great CLE with Tom Baumann. Our kick-off dinner at the Carlton featured a wine tasting with a sommelier, which was such a great time and genuinely positively received by everyone who attended. The following morning some of our esteemed past presidents – Larry Kelly, Paul Lagnese and Rich Schubert -- gave a CLE, discussing current issues in our practices. The CLE was collaborative and a great conversation occurred amongst the panel and the audience. The 5K featured a change in location to North Park, which worked out great. I am happy to report that our donation to the Steelwheelers was \$29,500.00! What a wonderful accomplishment. The Comeback Award Dinner was a lovely evening, as always, and was a great event celebrating Denny and Laura Phillips' client Deidre Staso and Transitional Paths to Independent Living (TRPIL). And, lastly, one of our longtime members, Tom Baumann, gave a CLE at the Wooden Angel Dinner-Meeting about his recent Supreme Court victory in *Protz v. WCAB*. His and his client's story is something for the ages! All in all, these events all remind us why our organization is so vital to our practice – helping others, supporting our community and building up our brothers and sisters with education and stories of pitched

battles!

Be on the lookout for a membership survey, which we hope to circulate in early 2018. We hope to use this tool to take the temperature of the organization and see what our membership wants to see more of, less of or none of! We felt it was time to take a snapshot of our organization as it exists today, in the hopes to make it better and more useful for membership into the future.

We are continuing to work on our spring calendar of events and hope that some of the events will pique your interest! If anyone has anything of interest that they would like to share in a CLE, or a new location for a dinner meeting – please share! We are always looking for new voices and new places. But most importantly, SAVE THE DATE: our every-five-years Past Presidents' Dinner will be held on January 30, 2018 at the Fairmont Pittsburgh, near Market Square. We hope we can fill the room with past and present faces to celebrate those who have helped shape our bar into what it is today.

Happy Holidays! Wishing you and yours a happy and healthy holiday season, filled with lots of joy, relaxation and happy memories.

*By: Elizabeth Chiappetta, Esq., of Robert Peirce & Associates, P.C.  
echiappetta@peircelaw.com*

*"Be on the lookout for a membership survey, which we hope to circulate in early 2018. We hope to use this tool to take the temperature of the organization and see what our membership wants to see more of, less of or none of!"*

## INSIDE THIS ISSUE

### Features

Trivia Contest.....p.14

### News

*Annual Comeback Award Dinner Recap...*Laura Phillips recounts the event and tells us about her client.....p. 1

*If You Are A Lawyer...*Theodore Koskoff reminds us.....p. 4

*Can A Political Subdivision Relieve Itself From Liability With A Written Waiver?...*Chad Bowers discusses the merits.....p. 5

*Beaver Dinner and CLE Event Recap...*Erin Rudert revisits the evening.....p. 7

*5K Recap...*Event Chair Sean Carmody highlights this annual event .....p. 16

### Columns

President's Message.....p.3

By The Rules.....p. 8

Comp Corner.....p. 10

Hot Off The Wire.....p. 11

Through the Grapevine.....p. 17

If you are a lawyer, then what are you?

*If you are a lawyer, you stand between the abuse of governmental power and the individual.*

*If you are a lawyer, you stand between the abuse of corporate power and the individual.*

*If you are a lawyer, you stand between the abuse of judicial power and the individual.*

*If you are a lawyer, you are the hair shirt to the smugness and complacency of society.*

*If you are a lawyer, you are helping to mold the rights of individuals for generations to come.*

*In short, if you are a lawyer, you are the Trustee of our liberties.*

And who do we see who have performed this historic role?

I saw him so long ago, a Philadelphian in New York, the Philadelphia lawyer at the nation's first political trial, upholding John Peter Zenger's right to publish what he chose free from censorship or interference. His name was Andrew Hamilton, and he was a lawyer.

I saw him at the trial of Captain Preston, another political trial, the unpopular case and client arising out of the Boston massacre. His name was John Adams. He was a lawyer.

I saw him at that miracle in Philadelphia, the Constitutional Convention of 1787 fighting for the Bill of Rights, the credo of American freedom not adopted until 1789. His name was James Madison. He was a lawyer.

I saw him presiding over the Supreme Court of our land, the architect of the real powers of the Supreme Court. His name was John Marshall. He was a lawyer.

I saw him exhorting the battle cry of the Republic, "Give me liberty, or give me death." His name was Patrick Henry. He was a lawyer.

I saw him at Gettysburg with tears in his eyes, gaunt and morose, rededicating our country to the principle of equal justice for all. His name was Abraham Lincoln. And he was a lawyer.

And I saw him, elemental man, fighting for one cause or another in Dayton, Tennessee, preaching the legitimacy of evolution. His name was Clarence Darrow. He was a lawyer.

I saw him speaking to us from his wheelchair, lifting our spirits, making us stronger with his inspirational philosophy, "the only thing we have to fear is fear itself." His name was Franklin Delano Roosevelt. And he was a lawyer.

I saw him in the Senate hearing room in Washington uttering his anguished cry for decency. His name was Joseph Welch. And he was a lawyer.

I saw him in the well of the United States Supreme Court, explaining why "separate but equal" was a contradiction in terms. His name was Thurgood Marshall. And he was a lawyer.

I saw her, a pioneer for gender equality, litigating leading cases as an advocate and, as a judge and justice, writing landmark opinions against discrimination. Her name is Ruth Bader Ginsburg. And she is a lawyer.

*Theodore I. Koskoff  
Association of Trial Lawyers of America  
President, 1979-80*



## UPCOMING EVENTS

### ESCAPE ROOM EVENT

Thur, Feb 15, 2018

Welcome Junior Members!

The Great Escape Room Pgh, 428 Forbes Ave, Ste 001, The Pittsburgher Bldg, Pittsburgh

### WESTMORELAND DINNER AND CLE

Wed, Mar 21, 2018

CLE features Westmoreland Bench

Rizzo's Malabar Inn, 126 Rizzo Rd, Crabtree

### MEMBERSHIP ELECTION DINNER

Elect the Officers and Board of Governors for 2018/2019

Tue, Apr 17, 2018

Carmody's Grille, 4905 Grand Ave, Neville Island

### ANNUAL JUDICIARY DINNER

Fri, May 4, 2018

UPMC Club, Heinz Field, 900 Art Rooney Ave, Pittsburgh

*"If you are a lawyer, what are you?"*



## CAN A POLITICAL SUBDIVISION RELIEVE ITSELF FROM LIABILITY WITH A WRITTEN WAIVER?

Political subdivisions like counties, cities, and municipalities often have individuals sign a waiver of liability as a precursor for use of public land and facilities. Often times these waivers excuse all liability on the part of the political subdivision for any injuries sustained by an individual on public property for any reason whatsoever. Often times these waivers of liability are signed by organizations that wish to use skating rinks, baseball/softball fields, and other athletic facilities. Generally, political subdivisions are immune from suit under the “no-duty” rule. Pennsylvania has adopted a “no-duty” rule which states that “a defendant owes no duty of care to warn, protect, or ensure against risks which are “common, frequent, or expected” and “inherent” in an activity. *Craig v. Amateur Softball Association of America*, 951 A.2d 372, 3575 (Pa. Super. 2008); citing *Jones v. Three Rivers Management Corp.*, 394 A.2d 546, 551 (Pa. 1978).

The Superior Court discussed the “no-duty” rule in *Telega v. Security Bureau Inc.*, 719 A.2d 372 (Pa. Super. 1998)

*Jones* is the seminal case discussing the “no-duty” rule in Pennsylvania as it applies to recovery for claims filed against amusement facilities by injured spectators and patrons. This rule which is related to but distinct from the affirmative defense of assumption of the risk... recognizes that there are certain inherent risks assumed by spectators or patrons when viewing sporting events or participating in amusements against which the amusement facility has no duty to protect.

*Telega*, 719 A.2d at 374-75. Basically, the “no-duty” rule relieves a property owner from liability if someone is injured in the normal course of participating or watching a sporting event. Therefore, a municipality would be immune from suit where an individual who was participating in a hockey game at a county owned ice arena was injured as the result of the normal course of a game. Further, the same would apply to a spectator who would be struck by a puck or stick propelled in the normal course of the game.

However, the “no-duty” rule does not apply if there is a defect in the property itself. Therefore, if a player who returns to the bench after skating a shift during a hockey game sits down on the bench, which then collapses due to an improper attachment to a support

pole, the “no-duty” rule would not apply. The rule would not apply as these are not risks inherent to the game of hockey. However, often times municipal authorities point to waivers signed by participants which waive all liability on the part of the municipal subdivision for any injuries sustained while on municipal property. Generally, exculpatory clauses are valid under Pennsylvania law when three conditions are met:

“First, the clause must not contravene public policy. Secondly, the contract must be between persons relating entirely to their own private affairs. Thirdly, each party must be a free bargaining agent to the agreement so that the contract is not one of adhesion.”

*Topp Copy Products, Inc. v. Singletary*, 626 A.2d 98, 99 (Pa. 1993). “Public policy is to be ascertained by reference to the laws and legal precedence and not from general considerations of supposed public interest.” *AAA Mid Atlantic Insurance Company v. Ryan*, 84 A.3d, 626, 632-33 (Pa. 2014). When considering whether a contract contravenes public policy, Courts should not inject their own ideas of fairness, but rather, Courts should look to legislative action. *Echelman v. Nationwide Insurance Company*, 711 A.2d 1006, 1008 (Pa. 1998).

Although the Pennsylvania legislature has generally extended immunity from suit for injuries to a person caused by a local agency pursuant to 42 Pa. C.S.A. §8541, the legislature saw fit to create exceptions to the general rule of blanket immunity for local agencies under 42 Pa. C.S.A. §8542. The section that most often times comes into play, when dealing with waivers of liability while on political subdivision property, deals with the real property exception. 42 Pa. C.S.A. §8542(b)(3) provides:

(3) Real Property. – The care, custody or control of real property in the possession of the local agency except that the local agency shall not be liable for damages on account of any injuries sustained by a person intentionally trespassing on real property in the possession of the local agency. As used in this paragraph, (real property) shall not include: trees, traffic signs, lights, and other traffic controls, street lights, and street lighting systems.

(ii) facilities of steam, sewer, water, gas and electric systems owned by the local agency and located within right of way;

(iii) streets; or

(Continued on Page 6)

(iv) sidewalks.

Therefore, since the Pennsylvania legislature has seen fit to impose governmental immunity upon local agencies except for those well defined areas, it is against the clearly established public policy of the legislature to allow a local governmental agency, like a county, city, or township to insulate themselves fully through a waiver and release of liability. Therefore, a political subdivision cannot grant itself additional immunity, or avoid liability, for injuries occurring on real property, by contract, through the use of a signed waiver of liability.

While the Pennsylvania Constitution neither prohibits nor grants constitutional immunity to the Commonwealth, it did grant authority to the general assembly to determine how the Commonwealth shall be immune. Pa. Const. art. 1(Section 2). In *Carol v. County of York*, 437 A.2d 394 (Pa. 1981), the Pennsylvania Supreme Court stated that "suits may be brought against the Commonwealth in such manner and in such cases as the legislature may by law direct." Further, the legislature also has within its constitutional grant of authority, the ability to confer immunity upon political subdivisions. See *Carol*, 437 A.2d at 396.

In *Ayala v. Philadelphia Bd. of Pub. Edu.*, 305 A.2d 877 The Pennsylvania Supreme Court found that the absence or presence of sovereign immunity is a legislative rather than constitutional issue. By enacting the Pennsylvania Tort Claims Act, the General Assembly conferred immunity upon political subdivisions. The legislature went on to enumerate those limited circumstances in which governmental immunity does not apply. See 42 Pa. C.S.A. §8542.

In *City of Philadelphia v. Grey*, 534 Pa. 467, 633 A.2d 1090(1993), the Pennsylvania Supreme Court affirmed the General Assembly's exclusive authority to confer governmental immunity. In *Grey*, the City of Philadelphia attempted to waive governmental immunity in certain situations. The Pennsylvania Supreme Court found that the immunity provided by Section 8541 "is not waivable nor is it subject to any procedural device that could render a governmental agency liable beyond the exceptions granted by the legislature." *City of Philadelphia v. Grey*, 633 A.2d at 1093. Therefore, a political subdivision has no power to waive governmental immunity nor increase or shield itself from additional liability other

than that as identified pursuant to Section 42 Pa. C.S.A. §8542. It is clear that any attempt by a local subdivision to enforce written waivers for injuries caused on their property in the context of those instances where the legislature has carved out exceptions is clearly against public policy. The exculpatory clause or written waiver is not valid under Pennsylvania law in these circumstances.

By: Chad Bowers, Esq., of Bowers & Fawcett, LLC  
chadbowers@brf-law.com



*"[A] political subdivision cannot grant itself additional immunity . . . for injuries occurring on real property, by contract, or through the use of a signed waiver of liability"*



Join us on **Thursday, Feb 15, 2018** for a fun event that welcomes our Junior Members. We'll hone our team-building skills as we work our way through The Great Escape Room Pittsburgh. Doors open at 4:30, games begin promptly at 5:00 p.m.

**The Great Escape Room Pittsburgh - The Pittsburgher Bldg (formerly: Lawyer's Bldg) - 428 Forbes Ave, Ste 001 - Pittsburgh**

Afterward, join us at Harris Grill (245 Fourth Ave) for drinks, good food, and socializing with your peers.

On October 9, 2017, our Members had the opportunity to dine at one of our perennial Beaver County favorites, The Wooden Angel, and learn about the sweeping changes created by the Supreme Court's decision in *Protz v. WCAB (Derry Area School Dist.)*, 161 A.3d 827 (Pa. 2017). The evening started with drinks at The Wooden Angel's well-curated wine cellar and bar and included a wonderful meal in the main dining room, which the restaurant makes exclusively available to our Members for the private event.

After dinner, WPTLA member, Tom Baumann, enthusiastically educated those in attendance about his recent victory for injured workers in the *Protz* case, which Tom describes as "the most significant workers' compensation ruling in Pennsylvania in the past 30 years." Tom served as lead counsel for Mary Ann Protz, the claimant in the landmark case, began with a history of the facts and legal arguments that formed the basis of the case. Protz sustained a work-related knee injury that led to a knee replacement and the subsequent development of complex regional pain syndrome. The employer's own expert acknowledged that Protz could not perform any job at all, but the doctor was required to place a percentage of disability pursuant to the Impairment Ratings Evaluations (IRE) to determine Protz's level of disability. The doctor determined Protz's level of disability to be 40%, which determination meant Protz's benefits would be capped at 500 weeks as her impairment rating was less than 50%. The Pennsylvania Supreme Court agreed with Tom that the requirement to use the AMA guidelines in determining total body impairment ratings was an unconstitutional delegation of legislative authority

to the AMA, effectively eliminating the impairment rating system from the workers' compensation arena for the time being and limiting the employer's ability to cap wage payments in certain circumstances. Tom addressed the practical effects of the *Protz* decision and gave advice for each of us to analyze how *Protz* may affect our current and future clients.

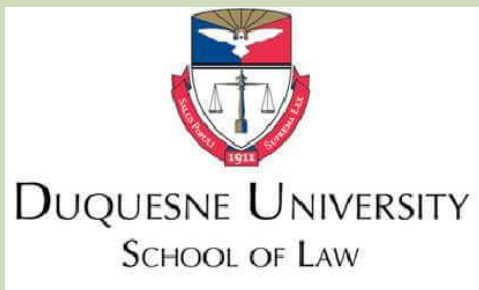
Finally, Tom provided the Members with information regarding the current state of legislative efforts to reverse the effects of *Protz*, and commented on his recent testimony before the congressional committee considering legislative changes. Tom's detailed article about the decision and its effect on Pennsylvania law can be found in the Fall 2017 edition of *The Advocate*, available through the Members'-only portal of the WPTLA website.

We would also like to take this opportunity to congratulate Tom on being named the 2018 Lawyer of the Year for Pittsburgh Workers' Compensation by Best Lawyers in America. Tom has worked tirelessly for over 30 years to protect the rights of injured Pennsylvania workers and this honor reflects his dedication to the hardworking men and women of Western Pennsylvania.

By: Erin Rudert, Esq., of Ainsman Levine, LLC  
[er@ainsmanlevine.com](mailto:er@ainsmanlevine.com)



## THANK YOU



*"As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them."*

- John Fitzgerald Kennedy

*"Thank you so much for your generosity!"*

Taylor Frey  
 Chair, Katie Westbrook 5K

*"Thank you so much for the generous donation! We can't say enough how much we appreciate it!"*

Very respectfully,  
 Amanda Perry  
 President, SBA

This "thank you" represents the acknowledgement of the \$1,000.00 donation made to the Duquesne University School of Law, for the SBA Centennial Endowed Scholarship Fund, in honor of Katie Westbrook. The donation was made at the request of Team Edgar Snyder, from our 5K Firm Challenge. See p. 16 for more details.

### COUNTY BY COUNTY SUMMARY OF PUBLIC ACCESS POLICY IMPLEMENTATION

In a recent column, I wrote in depth about the New Public Access Policy affecting all Pennsylvania trial and appellate courts. See vol. 29 no. 5 p.8. (<http://wptla.org/wp-content/uploads/2017/08/Advocate-Summer-2017.pdf>). Under the new access rule, each county must choose to require that where a filing contains confidential information or confidential documents (terms defined in the policy) that the parties must either 1) file both a redacted and unredacted version (the 2 version option) or 2) file only a redacted version along with a confidential information and/or confidential document form. The list below shows which county has chosen which option.<sup>1</sup>

COUNTY	OPTION	REFERENCE
Allegheny County	2 version option	Local Rule of Judicial Administration 6001.7
Crawford County	Use Confidential Information Form	Local Rule of Judicial Administration 1907
Fayette County	Confidential Information Form	Local Rule of Judicial Administration 102
Huntingdon County	Use Confidential Information Form	Public Access Policy of Huntingdon County Sections 7 and 8
Indiana County	Use Confidential Information Form	Local Rule of Judicial Administration 100
Jefferson County	Use Confidential Information Form	Rule of Judicial Administration 510
Lawrence County	Use Confidential Information Form	Rule of Judicial Administration L510
Mercer County	Use Confidential Information Form	Mercer County Law Journal notice
Somerset County	Use Confidential Information Form	Rule of Judicial Administration 300
Warren and Forest Counties	Use Confidential Information Form	Rule of Judicial Administration L510
Washington County	2 version option	Local Rule of Judicial Administration 3000
Westmoreland County	Use Confidential information form	RULE WJ 511

In addition all of the **appellate courts** have opted to utilize the 2 version option. This is specified in Judicial Administration Docket Order No. 490 of 2017.

All Practitioners should note that as of the effective date of the policy, January 6, 2018, all filings must contain the required certification that:

"I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

See Public Access Policy 7.0D and 8.0D.

### MEDICAL MALPRACTICE DEFENDANTS REBUKED FOR PRELIMINARY OBJECTIONS

Lackawanna County Judge Terrence Nealon recently rebuked a medical malpractice defendant's counsel for filing preliminary objections based on the premise that it was necessary to name agents and the basis for their authority in a complaint. In a sharply worded opinion, the Court stated that "it is perplexing and disquieting that the

<sup>1</sup> Thank you to the members of WPTLA's Board of Governors who helped me to compile this list.



defendants persist in advancing this argument via preliminary objections..."*Chairge v. Geisinger*, 2017 CV 1851 (Lackawanna County September 22, 2017). In overruling the preliminary objections, the Court relied upon the well recognized proposition that, "the complaint need not cite evidence but only those facts necessary for the defendant to prepare a defense." *Chairge*, at 2 citing *Unified Sportsmen of Pennsylvania v. Pennsylvania Game Commission*, 950 A.2d 1120, 1134 (Pa. Commw. 2008). The Court then looked to *Sokolsky v. Eidelman*, 2014 PA Super 117, 93 A.3d 858 (2014) and *Estate of Denmark v. Williams*, 2015 PA Super 101, 117 A.3d 300 for the latest statement of the law. Accordingly, the failure to identify a health care provider's agents by name or the designation of those individuals as a unit does not justify striking agency allegations in a complaint. *Chairge*, at 5. In further support of the ruling, Judge Nealon noted that "[a]s a practical matter, the identity of every health care professional . . . can readily be ascertained by CMC and the Clinic." *Chairge*, at 6.

#### BUTLER COUNTY COVER PAGE

Butler County has promulgated a New Rule of Civil Procedure requiring the use of a cover page for Complaints. The form is set forth in Local Rule 205.2(b). The form is contained in the Rule. This appears to be in addition to the statewide cover sheet which is also required.

By Mark Milsop, Esq., of Berger and Green  
mmilsop@bergerandgreen.com



#### Welcome to our newest Business Partner



**Matthew Marcus, Owner**  
430 Pennsylvania Ave, Ste 203  
Fort Washington, PA 19034  
**215-628-0716**  
**wirxpharmacy@gmail.com**  
**wirxpharmacy.com**

#### Please Support our Business Partners, as they support WPTLA.

##### Alliance Medical Legal Consulting

Varsha Desai

267-644-1000

vdesai@alliancemedicallegal.com



**Alliance Medical Legal Consulting**  
*Working together for your success*



CAM Group LLC

Cindy Miklos

412-334-5465

cindy@camgroupmarketing.com

##### FindLaw

Kylie Coleman

651-848-3517

Kylie.Coleman@thomsonreuters.com



##### Finley Consulting & Investigations

Chris Finley

412-364-8034

cfinley@finleyinvestigations.com

##### Forensic Human Resources

Don Kirwan & Matt Hanak

412-260-8000

forensichr@verizon.net



Keystone Engineering

Dave Kassekert

866-344-7606

dwkassekert@forensicexp.com

##### NFP Structured Settlements

Bill Goodman

412-263-2228

WGodman@nfp.com



Planet Depos

Cindy Miklos

888-433-3767

cindy.miklos@planetdepos.com



##### Sewickley Chiropractic Center

Jared Yevins

412-741-5451

sewickleychiropractic@yahoo.com



WIRX Pharmacy

Matthew Marcus

215-628-0716

wirxpharmacy@gmail.com

### UPDATE ON *PROTZ* LEGISLATION

As many of the readers will know, there is an effort underway in Harrisburg to deal with the *Protz* case legislatively. There are, essentially, identical bills pending in the House of Representatives and the State Senate. Each bill would reinstate the use of the AMA Guides, provide for a conversion to partial disability if the impairment rating was under 50%, and use of the Sixth Edition of the AMA Guides exclusively. There is even a provision in the bills that would allow for a retroactive application of the bill to Claimants who are receiving benefits presently.

PAJ has been very active in opposing the legislation. This author has traveled to Harrisburg three times in regard to the legislation. One trip involved testifying at an informational hearing before the House Labor Committee. Another visit required a meeting with the chairman of the House Labor Committee and his staff. The third visit involved a meeting with the Governor's Chief of Staff. The organization remains committed to defending the positive effect of the *Protz* decision on our collective client base.

This writer is impressed with the dedication and effectiveness of the organization's lobbying staff. The money we contribute on behalf of advocacy is well spent.

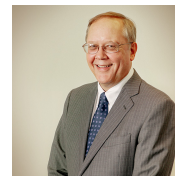
There are some additional bills percolating in Harrisburg. One of the bills involves creating a drug formulary for workers' compensation cases. Recently, a bill was introduced in the State Senate providing for the creation of a drug formulary, changes to utilization and review, and creating a foothold for evidence-based medicine to be used in the Commonwealth. In the memo circulated with the petition seeking cosponsors, a direct reference was made to the Philadelphia Daily News story regarding attorney owned pharmacies and the practice of injured workers' receiving their

medications from those pharmacies. The fallout in Harrisburg has been extremely negative. The organization is actively opposing this bill by attempting to educate all legislators that the bill as written would not correct any of the problems it purports to correct. The professed goal of the bill is to reduce opioid addiction in the state. Unfortunately, it would not do what it intends as any formulary would likely be based on the cheapest medications available, which tend to be generic opioids. Furthermore, the bill does not deal in any significant manner with the alleged problem of attorney owned pharmacies. The complaint in Harrisburg generally revolves around the costs of compound cream to treat chronic pain. Unfortunately, the bills that have been introduced do not help with this issue either.

As the struggles with legislation continue in Harrisburg, readers may be called upon for their help and expertise. If people from the organization, whether your fellow members or professional staff reach out to you, please consider giving your time, effort and money. We are always stronger when we act together.

*By Tom Baumann, Esq.,*

*Abes Baumann, P.C.  
tcb@abesbaumann.com*



### WESTMORELAND DINNER AND CLE

Join us on  
**Wednesday,  
March 21 at**



**Rizzo's Malabar Inn in Crabtree.** We'll meet on the second floor of the restaurant and enjoy a buffet of homestyle Italian cooking. Stay after dinner as the Westmoreland County bench discusses the nuances of Westmoreland County policies and procedures.

A Board of Governor's meeting precedes cocktails.

4:30 - Board Meeting

5:30 - Cocktails

6:15 - Dinner

7:00 - CLE

### NEW LAYOUT!

After many years with our old layout, The Advocate received a total makeover through the hard work of our Executive Director, Laurie Lacher.

We would appreciate receiving any feedback, positive or negative, about our new look. Please e-mail any comments to Erin Rudert at [er@ainsmanlevine.com](mailto:er@ainsmanlevine.com) or to Laurie Lacher at [laurie@wptla.org](mailto:laurie@wptla.org).

***Erie Ins. Exchange v. Bristol*, 124 MAP 2016 (Pa. November 22, 2017) – SOL on UM claim begins to run when breach occurs, not date of accident.**

In *Bristol*, the issue on appeal to the Supreme Court of Pennsylvania was when does the four-year statute of limitations (SOL) on an uninsured motorist claim begin to run. More specifically, because the insurance policy at issue contained a mandatory arbitration provision, the precise issue was when does the SOL begin to run on the insured's ability to initiate an action to compel arbitration. The Superior Court had held that the SOL begins to run when the injured claimant first learns that the tortfeasor driver is uninsured or underinsured. On appeal by Bristol, the injured claimant, the Supreme Court held that SOL principles for contract claims applied to UIM/UM claims and that the running of the SOL commences upon an alleged breach of a contractual duty, which in *Bristol* was the insurer's denial of coverage or refusal to arbitrate.

The claim in *Bristol* arose when Michael Bristol was the victim of a hit and run accident while working. The accident occurred on July 22, 2005. Erie was placed on notice of Bristol's claim on June 19, 2007. The parties selected arbitrators, but the arbitration had to be delayed because of Bristol's unrelated incarceration. In May 2013, Erie filed a declaratory judgment action. Erie maintained that the date of the accident is when the SOL for UM claim began to run because Bristol had been injured by an unidentified vehicle. Thus, under Erie's view that SOL would expire on July 22, 2009. The trial court agreed with Erie and held that Bristol needed to commence a court action to toll the running of the SOL. Bristol appealed to the Superior Court, which affirmed the trial court. Bristol then appealed to the Supreme Court of Pennsylvania.

The Supreme Court began its analysis by stating that absent a basis to deviate from general contract principles, such principles apply to a UM/UIM claim. Under such principles, that SOL begins to run when the insured's cause of action accrued, i.e., when the breach occurred. The court went to conduct an analysis of prior auto insurance SOL decisions by the Superior Court and other jurisdictions, as well as consider public policy. After its review and analysis, the court determined that there was no reason to create a special rule for when the SOL begins to run in UM cases.

Thus, the SOL for UM cases begins to run when an

alleged breach occurs. In the UM context, a breach would happen when a claim is denied or the insurer refuses to arbitrate. In Bristol's case, it was undisputed that neither event had occurred. Accordingly, the SOL had not expired on Bristol's claim. The Superior Court's order was reversed and the case was remanded.

***Rancosky v. Washington Nat'l Ins.*, 28 WAP 2016 (Pa. Sept. 28, 2017) – Statutory bad faith claim did not require proof of insurer's motive of self-interest or ill will.**

In *Rancosky*, the Supreme Court of Pennsylvania considered for the first time the elements of a bad faith insurance claim brought under 42 Pa. C.S. § 8371. The Supreme Court adopted the two-part test articulated by the Superior Court in *Terletsky v. Prudential Property & Cas. Ins. Co.*, 649 A.2d 680 (Pa. Super. 1994), which provides that, in order to recover in a bad faith action, the plaintiff must present clear and convincing evidence (1) that the insurer did not have a reasonable basis for denying benefits under the policy and (2) that the insurer knew of or recklessly disregarded its lack of a reasonable basis. Additionally, the court held that proof of an insurance company's motive of self-interest or ill-will is not a prerequisite to prevailing in a bad faith claim under Section 8371. The court explained that such evidence is probative of the second *Terletsky* prong, we hold that evidence of the insurer's knowledge or recklessness as to its lack of a reasonable basis in denying policy benefits is sufficient.

*Rancosky* arose out of a disability policy and waiver of premium dispute. The trial court concluded that the insurer had been sloppy and negligent in the handling of Rancosky's claim, but that Rancosky failed to demonstrate that the insurer lacked a reasonable basis for denying benefits under the policy, i.e., the first prong of the *Terletsky* test, because she did not prove that the insurer acted out of self-interest or ill will. Rancosky appealed to the Superior Court. The Superior Court agreed with Rancosky and vacated trial court's judgment on the bad faith claim.

The insurer appealed to the Pennsylvania Supreme Court. The court accepted the appeal to address the following issue:

Whether this Court should ratify the requirements of *Terletsky v. Prudential Property & Casualty Insurance Co.*, 649 A.2d 680 (Pa. Super. 1994), *appeal denied*, 659 A.2d 560 (Pa. 1995), for establishing

(Continued on page 12)

insurer bad faith under 42 Pa. C.S. § 8371, and assuming the answer to be in the affirmative, whether the Superior Court erred in holding that *Terketsky*'s factor of a "motive of self-interest or ill-will" is merely a discretionary consideration rather than a mandatory prerequisite to proving bad faith?

As noted above, this was an issue of first impression for the Pennsylvania Supreme Court. They delved into the history surrounding the enactment of the § 8371. After a thorough analysis, the court concluded: "an ill-will level of culpability would limit recovery in any bad faith claim to the most egregious instances only where the plaintiff uncovers some sort of 'smoking gun' evidence indicating personal animus towards the insured. We do not believe that the General Assembly intended to create a standard so stringent that it would be highly unlikely that any plaintiff could prevail thereunder when it created the remedy for bad faith. Such a construction could functionally write bad faith under Section 8371 out of the law altogether."

Accordingly, the court held that the two-pronged test set forth in *Terletsy* establishes an appropriate framework for analyzing bad faith claims under Section 8371. The court found that the recklessness standard for liability under the second prong was consistent with the historical development of bad faith in Pennsylvania and the intent of the General Assembly in enacting Section 8371. The court went on to also hold that proof of an insurer's motive of self-interest or ill-will, while potentially probative of the second prong, is not a mandatory prerequisite to bad faith recovery under Section 8371. The case was remanded to the trial court.

***Coughlin v. Massaquoi* 32 EAP 2016 (Pa. Sept. 28, 2017) – Admissibility of BAC evidence in discretion of trial court.**

*Coughlin* arose out of a fatal accident involving a collision between a motor vehicle and a pedestrian. The driver struck and killed pedestrian Thomas Coughlin near an intersection on a four-lane road in Philadelphia. The driver admitted to authorities at the scene that she did not see Coughlin prior to the impact. An autopsy and toxicology testing revealed that Coughlin had a BAC of .313 as well as trace amounts of illegal substances in his blood. There was no evidence regarding Coughlin's whereabouts or whether he appeared intoxicated prior to the being struck.

A wrongful death action was instituted by Coughlin's

mother. At trial, she sought to preclude evidence pertaining to the alcohol and illegal substances that were present in Coughlin's system at the time of his death. She argued that such evidence lacked necessary independent corroboration, was irrelevant, and would prejudice the jury. The trial court denied the motion, permitting the defense to admit evidence regarding the presence of drugs and alcohol in Coughlin's blood. The driver introduced the toxicology report and presented expert testimony to the effect that Coughlin's judgment and self-control would have been impaired and that he should not have been crossing an intersection. The jury found that the driver negligent but not the cause of Coughlin's death. Post-trial motions were denied. The Superior Court affirmed.

On appeal, the Supreme Court of Pennsylvania considered whether independent corroborating evidence of the pedestrian's intoxication was required, in addition to expert testimony interpreting the BAC, before the BAC evidence could be admitted.

The court declined to adopt a bright-line rule predating admissibility on the existence of independent corroborating evidence of intoxication. The court held that pursuant to Pa. R.E. 401-403 the admissibility of BAC evidence is within the trial court's discretion based upon general rules governing the admissibility of evidence and the trial court's related assessment of whether the evidence establishes the pedestrian's unfitness to cross the street. Accordingly, the Supreme Court found that the trial court properly exercised its discretion in admitting the BAC evidence at issue in the instant case and affirmed the Superior Court.

***Safe Auto Ins. v. Jimenez*, 2017 Pa. Super 297 – Unlisted Resident Driver Exclusion was not void as against public policy.**

In *Jimenez*, Safe Auto Insurance Company filed a declaratory judgment action in Lehigh County. The trial court granted Safe Auto's Motion for Summary Judgment, finding that Safe Auto was not obligated to provide insurance coverage to the driver, Rachel Dixon, of a vehicle involved in a two-car collision. Priscila Jimenez was a passenger in the other vehicle and was injured in the accident. Jimenez and her husband filed suit. Safe Auto then filed a Declaratory Judgment action seeking to avoid having to defend or provide liability coverage for Dixon.

Dixon was driving a car that her boyfriend, Rene Oriental-Guillermo, owned. He insured his car through Safe Auto. The Safe Auto Policy had (Continued on page 13)





---

December 11, 2017

Elizabeth A. Chiappetta, Esq.  
Robert Peirce & Associates, P.C.  
2500 Gulf Tower, 707 Grant St  
Pittsburgh, PA 15219-1918

Dear Liz:

The Steelwheelers again thank you and the members of the Western Pennsylvania Trial Lawyers Association for your incredible support of the Steelwheelers through the President's Challenge 5K over the past seventeen years. The great success of the run again this year can be attributed to the efforts of Sean Carmody, the President's Challenge Committee, Laurie Lacher and the generosity of the members of the WPTLA. As we have said before, the Steelwheelers may not be here today if it were not for the WPTLA and the President's Challenge 5K.

Your support allows us to focus on providing competitive sports opportunities for people with disabilities. The money raised is used to fund competition and equipment for the wheelchair basketball and quad rugby and hand cycling teams. The rugby team hosted the 15th Annual Steel City Slam Quad Rugby Tournament in Slippery Rock in November and is preparing to go to Florida for a tournament in January. It provides the only opportunity for our families to see up play locally and has provided Slippery Rock students a chance to volunteer and be exposed to the sport. We have had a number of students who volunteered at the tournament offer to help the team at practices and travel with the team to assist. It is not a coincidence that the tournament began the year after your support began and it would not have happened without it!

The basketball team came in 2nd at the NIT Invitation Kickoff Tournament on the weekend of the 5th and are working with Pitt to develop a school team.

The members of the Steelwheelers thank you for your support and for continuing to be the life blood of the Steelwheelers through the President's Challenge 5K.

With great appreciation,

The Pittsburgh Steelwheelers

## HOT OFF THE WIRE FROM PAGE 12

an Unlisted Resident Driver Exclusion, which specifically excluded from coverage those individuals who lived with the Policyholder, but were not related to the policyholder and whom the Policyholder did not specifically list on the Policy ("Unlisted Resident Driver Exclusion"). In this case, Dixon lived with the Policyholder, but was not related to him and was not specifically listed as a driver of the Policyholder's car on his Policy.

The Superior Court found the exclusion to be unambiguous and applied to exclude Dixon. The court further held the exclusion did not violate MVFRL § 1786 or violate public policy.

*By James Tallman, Esq., of Elliott & Davis, P.C.*  
[jtallman@elliott-davis.com](mailto:jtallman@elliott-davis.com)



**TRIVIA CONTEST****Enter for a Chance to Win a \$100 Visa Gift Card****Trivia Question #13**

**What modern day phrase *hopefully* not used by the pilot during your next flight derives from the French word for “help me”?**

Please submit all responses to Laurie at [laurie@wptla.org](mailto:laurie@wptla.org) with “Trivia Question” in the subject line. Responses must be received by March 9, 2018. Prize for this contest is a \$100 Visa gift card. Winner will be drawn the week of March 12, 2018. The correct answer to Trivia Question #13 will be published in the next edition of The Advocate.

**Rules:**

- Members only!
- One entry per member, per contest
- Members must be current on their dues for the entry to count
- E-mail responses must be submitted to [admin@wptla.org](mailto:admin@wptla.org) and be received by the date specified in the issue (each issue will include a deadline)
- Winner will be randomly drawn from all entries and winner will be notified by e-mail regarding delivery of prize
- Prize may change, at the discretion of the Executive Board and will be announced in each issue
- All entries will be considered if submitting member’s dues are current (i.e., you don’t have to get the question correct to win – e-mail a response even if you aren’t sure of your answer or have no clue!)
- There is no limit to the number of times you can win.Keep entering!

The correct answer to each trivia question will be published in the subsequent issue of The Advocate along with the name of the winner of the contest. If you have any questions about the contest, please contact Erin Rudert – [er@ainsmanlevine.com](mailto:er@ainsmanlevine.com).

**Answer to Trivia Question #12 – In 1987, which American fast food restaurant opened its first Chinese location with its slogan inaccurately translated to read “eat your fingers off”? Answer: KFC**

**Congratulations to Question #12 winner Larry Green, of Berger and Green.**

## MEMBERSHIP ELECTION DINNER

Join your fellow WPTLA members on **Tuesday, March 17, 2018** at Carmody's Grille on Neville Island, in Pittsburgh. Carmody's Grille, owned by WPTLA Member Sean Carmody, features a scratch kitchen with fresh, hand breaded ingredients. We'll meet on the second floor for cocktails at a private bar at 5:30 p.m., and sit down for a buffet of homestyle favorites at 6:15. Immediately following dinner, we'll hold elections for our 2018/2019 Officers and Board of Governors.



A board meeting precedes the cocktails.

4:30 p.m. – Board Meeting / 5:30 p.m. – Cocktails / 6:15 p.m. – Dinner



**Thanks to those who attended the Comeback Award Dinner on Nov 8, 2017.**

Pictured L to R in #1: Mark Troyan, Katelyn Dornburg, President Liz Chiappetta, and Board of Governors Member Max Petrunya.

In #2: Past President Veronica Richards, and Board of Governors Members Steve Barth and Karesa Rovnan.

In #3: Tony Mengine; Board of Governors Member Brittani Hassen, Claire McGee, Board of Governors Member Katie Killion, Chris Inman, and George Kontos.

In #4: Mark Troyan, Dan Schiffman, and Board of Governors Members Max Petrunya and Mike D'Amico.

In #5: Caroline Fleming and 2006 Comeback Awardee David Fleming.

In #6: Joann Naser, TRPIL Director of Development, Board of Governors Member Laura Phillips, Denny Phillips, 2017 Comeback Awardee Deidre Staso, President Liz Chiappetta, Nan Sninsky, TRPIL Chief Administrative Officer, and Dave Landay, Vice President and Comeback Award Chair.

In #7: past Comeback Awardees Rebecca Herzig (2001), Brenda Gump (2014), Kimberly Puryear (2013), Deidre Staso (2017), Davanna Feyrer (2012), and Phillip Macri (2002)

Photo credit to

**Moonlight Photography**

by

Amanda D'Amico

412-951-1804

amandamariedamico@gmail.com



## 5K PHOTOS AND RECAP

16

**Thanks to everyone who came to the 5K event on Oct 21, 2017, to support the Pittsburgh Steelwheelers.**

Pictured from L to R in #1: 5K Race Chair Sean Carmody.

In #2: the runner/walker start.

in #3: top place WPTLA male finishers Board of Governors Member Guido Gurrera and Pete Giglione.

In #4: Steelwheeler hand cyclists Ashli Molinero and Kaden Herchenroether.

in #5: WPTLA Past President Paul Lagnese and WPTLA Secretary Eric Purchase.

In #6: the Steelwheeler start.

in #7: 5K Firm Cup Challenge winning team of Ma'Kin Cornick, Colin Vitale, Board of Governors Member Guido Gurrera, Stephen Von Block, and John Zeller, all of Edgar Snyder & Associates.



## STEELWHEELERS 5K WRAP-UP

On Saturday, October 21, 2017, the Western Pennsylvania Trial Lawyers held its 17th annual President's Challenge 5K Walk/Run/Wheel, benefiting the Pittsburgh Steelwheelers. A new race location and fantastic fall weather sparked additional interest and participation for the event. The race was held at the boathouse in North Park which provided on-site parking, changing rooms and a recreational area for children. Over 190 people registered to race, walk or wheel the 3.1-mile course through scenic areas around Lake Shore Drive. The family friendly event included 23 participants under the age of fifteen and place winners in the men's, women's, youth and WPTLA categories received recognition and an award. All youth participants received medals.

The Steelwheelers are a non-profit organization formed in the late-1970's by athletes who turned a dream of creating a wheelchair basketball team into reality. This non-profit organization provides wheelchair sports opportunities to athletes in the Pittsburgh and Western Pennsylvania area and fields teams for wheelchair basketball, rugby, track and road racing.

I would like to thank all of the sponsors, participants and volunteers, particularly Laurie Lacher, Bob and Lorraine Eyler, Chad McMillen and Dave Zimmaro. A special thanks to all those Western Pennsylvania Trial Lawyer members who came out with family and friends to support the event which raised \$29,500 for the Steelwheelers. Team Edgar Snyder once again locked up the President's Cup awarded to the WPTLA team with the best time.

With continued support from our membership, partners and sponsors, we hope to build upon the success of the event and will be returning to North Park on Saturday, October 20, 2018. Please help us support the Steelwheelers at next year's event.

By Sean Carmody, Esq., of Carmody & Ging, PC [scarmody@carmodyginglaw.com](mailto:scarmody@carmodyginglaw.com)



WESTERN PENNSYLVANIA TRIAL LAWYERS ASSOCIATION  
 909 MOUNT ROYAL BOULEVARD, SUITE 102  
 PITTSBURGH, PA 15223-1030



## *Through the Grapevine....*

Our condolences to **Bob Daley** on the recent passing of his father, and to **Patti Lerda** on the recent passing of her father.

**George R. Farneth II** has changed his firm name to The Farneth Law Group, LLC. His new address is 560 Rugh Street, Suite 150, Greensburg, PA 15601. P: 412-977-7779 Email: grf@farnethlaw.com.

**Board of Governors Member Rich Epstein's** office has moved to 68 Buhl Boulevard, PO Box 91 in Sharon, PA 16146. Phone, fax and email remain the same.

**John Caputo** and **Elizabeth Jenkins** have a new firm name - John A. Caputo & Associates, P.C. They have moved to 310 Grant Street, Suite 820, Grant Building, Pittsburgh, PA 15219. P: 412-391-4990, F: 412-863-7803