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Civil Administration

G. BAXTER

BRBS

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RIKI R. REDENTE**
**Also member of New Jersey Bar.

October 1, 2010

VIA HAND DELIVERY

Honorable Sandra Mazer Moss
Philadelphia Court of Common Pleas
622 City Hall
Philadelphia, PA 19107

Re: **IN RE: ASBESTOS LITIGATION, PCCP NO. 0001, OCTOBER TERM 1986**

PLAINTIFFS' GLOBAL MOTION TO PERMIT TRIAL JUDGES TO INSTRUCT JURIES ON PUNITIVE DAMAGES IN ASBESTOS CASES

**Opposing Counsel: Catherine Jasons, Esquire
Daniel Ryan, Esquire
(Defense Liaison Counsel)**

**IN RE: ASBESTOS LITIGATION IN
PHILADELPHIA COURT OF COMMON
PLEAS**

**PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION**

OCTOBER TERM 1986

No. 0001

ORDER

AND NOW, this _____ day of _____, 2010, upon consideration of Plaintiffs' Global Motion to Permit Trial Judges to Instruct Juries on Punitive Damages in Asbestos Cases, and any response thereto, it is hereby ORDERED that said Motion is GRANTED.

BY THE COURT:

Moss, J.

Dear Judge Moss:

On behalf of all plaintiffs in asbestos personal injury cases in Philadelphia County, we move the court to enter an order permitting trial judges to instruct juries on punitive damages in appropriate cases. The basis for this motion is that, although the court and parties have proceeded as if there were currently in effect an order prohibiting punitive damages in asbestos cases, in fact, no such order exists. Although it appears that there was an order entered more than twenty years ago that deferred, but did not eliminate, claims for punitive damages for a period of one year, that moratorium on punitive damages was never extended. Accordingly, there is no order banning punitive damages in asbestos cases, and plaintiffs seek an order making it clear that trial judges may instruct juries on punitive damages in asbestos cases if the evidence would support a punitive damages verdict.

In 1986, after Pacor, Inc., declared bankruptcy, plaintiffs in asbestos litigation in Philadelphia globally moved to sever Pacor from all then pending cases. The motion was heard by a court *en banc* consisting of the Honorable Richard B. Klein, the Honorable Edward J. Blake, now deceased, and the Honorable Abraham J. Gafni. The court granted the plaintiffs' motion, contingent on the plaintiffs' acceptance of the deferral of all claims for punitive damages for a period of one year from the date of the order, which was entered on November 12, 1986. Instead of providing for the procedure to be followed at the expiration of the year, the order provided various options, including continuing to defer punitive damages, deciding punitive damages as part of a class action, reconvening juries that heard the actions for compensatory damages to hear claims for punitive damages, trying punitive damages claims before new juries, or taking whatever other steps may become appropriate. A copy of the Order and accompanying

Memorandum Opinion is appended hereto as Exhibit "A."¹

Two plaintiffs with pending cases affected by the Order timely appealed to the Pennsylvania Superior Court. Both of the plaintiffs also petitioned the Pennsylvania Supreme Court to accept plenary jurisdiction over the November 12, 1986, Order. On March 27, 1987, the Pennsylvania Supreme Court granted the plaintiffs' petitions and accepted plenary jurisdiction. *Patterson v. Johns-Manville Corp.*, No. 38 E.D. Appeal Docket 1987 (Pa.) and *Williams v. Raymark Industries, Inc.*, No. 43 E.D. Appeal Docket 1987 (Pa.). After briefing and argument, the Pennsylvania Supreme Court remanded to the Philadelphia Court of Common Pleas "... for further consideration in light of *Charles v. Giant Eagle Markets, . . .*" 522 A.2d 1 (Pa. 1987). The Supreme Court explicitly retained jurisdiction. Subsequent to the remand, by order dated June 17, 1987, Judge Klein deleted paragraphs 2 through 5 of the Order of November 12, 1986, but left intact the paragraph of the Order dealing with punitive damages.

After Judge Klein amended the November 12, 1986, Order, the record was returned to the Pennsylvania Supreme Court. By order dated November 17, 1987, the Pennsylvania Supreme Court directed the parties to notify the court why it should not relinquish jurisdiction. Although various parties filed documents taking positions on that issue, the Supreme Court took no action for a substantial period of time thereafter. Meanwhile, Judge Klein substantially overrode the conditional order severing Pacor when, on October 27, 1987, the court entered an order automatically and unconditionally severing all bankrupt defendants from all asbestos personal injury cases. The automatic severance has remained in effect to this day.

Subsequently, each of the plaintiffs whose cases were still under the jurisdiction of the

¹ The Order consists of five (5) numbered paragraphs each of which attached certain conditions to the severance of Pacor. Only the first paragraph concerned punitive damages; the other four (4) involved assigning set-offs against verdicts for any Pacor settlements.

Supreme Court filed Applications for Discontinuance. By orders dated July 24, 1991, each of the appeals was discontinued. A copy of the Supreme Court order granting the Application for Discontinuance of the Williams appeal is appended hereto as Exhibit "B," and a copy of the Pennsylvania Supreme Court docket entries in the Patterson appeal is appended hereto as Exhibit "C."

Thus, there is no current court order existent that prohibits plaintiffs from seeking punitive damages in asbestos cases. This court should permit plaintiffs to pursue punitive damage claims in appropriate cases, and to permit jurors to be instructed on punitive damages where warranted. This is especially true in light of the defendants' global motions to end the practice of reverse bifurcation of cases. The practice of not moving forward on punitive damages might be sensible in furtherance of the court's policy of attempting to resolve cases as expeditiously as possible by using, among other things, trial in reverse bifurcated form. However, if trials are to be held in a unitary manner, with all issues before the jury at one time, plaintiffs will certainly no longer see any benefit in limiting themselves to strict liability counts, and instead will likely routinely put before the jury evidence of defendants' negligence and recklessness. Because in a unitary trial, plaintiffs will be placing the evidence that would form the basis of punitive damages before the jury anyway, there would be no reason to prohibit juries from passing on the issue of punitive damages. Accordingly, plaintiffs ask the court to clarify the court's position on punitive damages by permitting juries to be instructed on punitive damages in appropriate cases.²

² Plaintiffs will not attempt to discuss herein the nature of testimony necessary to establish a right to punitive damages, as a determination of whether evidence is sufficient to sustain a punitive damages verdict must be decided on a case-by-case basis.

Wherefore, for the foregoing reasons, plaintiffs respectfully request that the Plaintiffs' Global Motion To Permit Trial Judges to Instruct Juries on Punitive Damages in Asbestos Cases be granted.

Respectfully submitted,

Brookman, Rosenberg, Brown and Sandler

By: /s/
Steven J. Cooperstein, Esquire

SJC:ch

cc: Catherine Jasons, Esquire
Daniel Ryan, Esquire

EXHIBIT “A”

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

SPECIAL ASBESTOS DOCKET : OCTOBER TERM, 1986

ALL ASBESTOS CASES : NO. 0001

RE: MOTION TO SEVER PACOR, INC.

* * * * *

VINCENT YANCEY and SHARON : COURT OF COMMON PLEAS

YANCEY, h/w : PHILADELPHIA COUNTY

:

v. : November Term, 1981

:

RAYMARK INDUSTRIES, INC. : No. 1186(832)

et al. : ASBESTOS CASE

ORDER

AND NOW, this 12th day of November, 1986, upon consideration of Plaintiffs' Motion for Severance filed on behalf of all Plaintiffs and the Answers filed by the Asbestos Claims Facility defendants, G.A.F., Garlock, and Nicolet, it is hereby Ordered that all claims and cross-claims brought against,

Defendant Pacor, Inc., are severed from all asbestos personal injury lawsuits under the following conditions:

1. All claims for punitive damages shall be severed and deferred for a period of one year from the date of this order. At that point, the Court may continue to defer them, may decide them as part of a class action, may reconvene the original juries to hear punitive damages, may try them before new juries, or may take such other steps as seem appropriate at the time.
2. If Pacor, Inc., has settled with the plaintiff, plaintiff shall agree to accept a reduction in verdict by the dollar amount received in settlement from Pacor, Inc., without the necessity of Pacor, Inc. being proved to be a joint tortfeasor.
3. Plaintiff shall notify all defendants of the amount of the settlement with Pacor, Inc., and defendants shall elect whether or not to accept such dollar-for-dollar reduction from plaintiff or reserve their right to a pursue Pacor, Inc. for contribution in the appropriate forum. This election shall be made in writing prior to the commencement of the jury trial.
4. The reduction of the verdict by the dollar amount of the Pacor, Inc. settlement shall be apportioned according to the liability of each defendant. The liability of each defendant accepting the dollar-for-dollar reduction shall be reduced and the other

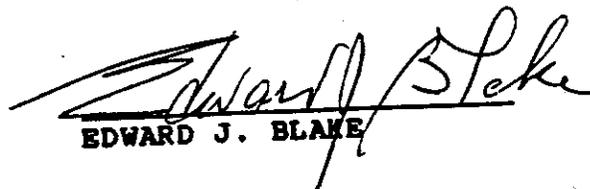
defendants shall be liable for their full share of the verdict.

5. Pacor, Inc. shall be automatically severed from all asbestos personal injury cases without the need of filing motions or praecipes. Plaintiffs may as a matter of right elect to defer any matters in which Pacor, Inc. is a party.

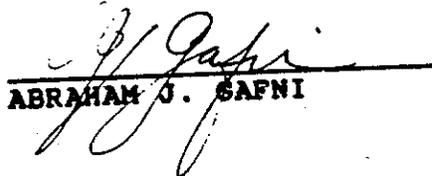
BY THE COURT:



RICHARD B. KLEIN



EDWARD J. BLAKE



ABRAHAM J. SAFNI

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

SPECIAL ASBESTOS DOCKET : OCTOBER TERM, 1986
ALL ASBESTOS CASES : NO. 0001
RE: MOTION TO SEVER PACOR, INC.

* * * * *

VINCENT YANCEY and SHARON : COURT OF COMMON PLEAS
YANCEY, h/w : PHILADELPHIA COUNTY
: :
v. : November Term
: :
RAYMARK INDUSTRIES, INC. : No. 1186(832)
et al. : ASBESTOS CASE

Before Blake, Administrative Judge, and Gafni and R. B.
Klein, JJ.

R. B. Klein, J.

MEMORANDUM OPINION

The plaintiffs in the asbestos litigations have moved the Court pursuant to Rule 213(b) of the Pa.R.C.P. to order a severance against Defendant Pacor, Inc., and to direct that the matter proceed to trial against all of the remaining defendants.

The defendants have objected to the severance, pointing out that Pacor, Inc. was the fifth major defendant in the asbestos litigation to file a Petition for Reorganization under Chapter 11 of the United States Bankruptcy Code. Defendants have claimed that the Pacor bankruptcy has tipped the scales, and now there is too much of a burden on the remaining defendants to allow the

litigation to proceed as it has been. They claim their potential prejudice outweighs any adverse impact on the plaintiffs.

Basically, the power to sever a party to a pending action is within the sound discretion of the Court. Ball v. Glade, 381 Pa. 85, 112 A.2d 156 (1955), Pa. R.C.P. 213(b). The Court has the power to refuse to sever the action to allow the plaintiffs to proceed against the non-bankrupt defendants. Therefore, it likewise has the power to grant severance only upon certain conditions. If plaintiffs do not accept the conditions, they may choose to defer their action.

There is no question that both the plaintiffs and the non-bankrupt defendants have suffered from the bankruptcy petitions filed by major participants in the asbestos litigation. Estimates are that in early settlements approximately 35-40% of the settlement monies came from those now in bankruptcy. The question to resolve in this action is how much of the burden should be borne by the plaintiffs and how much by those non-bankrupt defendants remaining in the litigation.

The Court has determined that with respect to the general litigation, the non-bankrupts must continue to be responsible for all compensatory damages due to the plaintiffs, but that claims for punitive damages should be deferred until the situation with the bankrupts becomes clearer.

There are special circumstances relating to those cases in which Pacor, Inc., settled and paid the settlement figure prior to bankruptcy.

1. The Litigation Shall Not Be Halted, and the Defendants Shall Be Responsible for Compensatory Damages.

In 1982, Johns Manville, the major defendant in the Philadelphia asbestos litigation, filed a Petition for Reorganization under Chapter 11 of the Bankruptcy Act. Subsequently, other defendants in the asbestos litigation filed similar petitions for protection under the Bankruptcy Act. In each instance, the plaintiffs have petitioned this Court to sever the bankrupt defendants to continue their lawsuit against the remaining, non-bankrupt defendants. In each case, the Court granted the severance by Order of Judge Harry A. Takiff, then the asbestos calendar judge. In his opinions, he cogently set forth the reasons for the continuation of the litigation.

Basically, when a defendant enters bankruptcy, either the plaintiffs or the remaining defendants must suffer. If the motion to sever is denied, the litigation will effectively stop. In almost every case, one of the bankrupt defendants is named as an original or an additional defendant. It takes many years for the bankruptcy proceedings to terminate, and since history has shown that one defendant or another has been seeking bankruptcy protection ever year or so, the litigation would effectively end for many years. Since asbestosis and cancer resulting from asbestos exposure generally takes many years to develop after the initial exposure, most of the plaintiffs are advanced in age. Refusing to sever the bankrupt defendants would lead to the

result that most of the plaintiffs would be dead before their case was listed for trial. The Court cannot allow this.

In Pennsylvania, joint tortfeasors are jointly and severally liable to the plaintiff. Therefore, the remaining defendants ultimately will be liable for the share of the defendants that do not emerge from the Chapter 11 proceedings. Likewise, they will have rights of contribution against those who do emerge. Therefore, severing the bankrupts will defer their ultimate recovery, not eliminate it.

As an alternative to refusing to sever the bankrupts, the remaining defendants have proposed that this Court somehow reduce the share of compensatory damages that the remaining defendants must pay. In other words, they ask to make the plaintiffs wait for part of their ultimate recovery rather than having the defendants wait to enforce their contribution or indemnity rights..

This solution poses both equitable and practical problems. The joint tortfeasors will ultimately have to make good the share of any defendant that is liquidated. Under the defendants' proposal, the defendants would escape making up the shares of the bankrupt defendants that are ultimately liquidated. Plaintiffs would be required to forever give up this portion of their recovery as a condition to pursuing the action against the non-bankrupt defendants. This runs contrary to Pennsylvania law.

It is difficult to see how the percentage of the reduction would be determined. Although prior to the first bankruptcy

there was an informal arrangement among defendants as to the percentage allocation of funds in settlements, that allocation was subject to flux and never legally binding. Should the Court determine an artificial percentage? Should there be one percentage for Philadelphia Navy Yard cases and another for Sun Ship cases? To state the question is to show it cannot be answered. In the alternative, defendants suggest that perhaps we could try every case and ask the jury to allocate responsibility among both bankrupt and non-bankrupt defendants. Sometimes the plaintiff does stand in the shoes of settled defendants and attempts to show that they were not joint-tortfeasors. (Under Pennsylvania law, if a defendant who settled is not determined to be a tortfeasor, the other defendants do not get the benefit of that settlement, since the "non-tortfeasor" who settled is deemed to have made a "gift" to the plaintiff.) However, there are difficulties in litigating the share of bankrupt defendants when bankruptcy law limits discovery and may limit availability of exhibits and witnesses.

In summary, this Court has not yet reached the point where it will require the plaintiffs to agree to accept only a percentage of the compensatory damages as a condition to granting severance of the bankrupts. The defendants can wait and pursue their rights of contribution or be responsible for the shares of the liquidated defendants as they must under Pennsylvania law.

2. The Petitions to Sever Pacor and other Bankrupt

Defendants Shall Be Conditioned Up the Deferral of Claims of Punitive Damages for a Period of One Year.

As discussed above, the remaining non-bankrupt defendants have suffered because of the bankruptcy of several major asbestos manufacturers. They are being called upon to pay all of the costs of the litigation and to pay more than their share of compensatory damages, awaiting the results of the bankruptcy proceedings to pursue contribution rights. It seems likely that several of the defendants will be liquidated so that they will be ultimately held responsible for more than their pro-rata share.

Therefore, in exercising its equitable powers to refuse to sever the bankrupts, this Court will impose a condition upon the severance. That condition is to sever any claims for punitive damages and defer their consideration for at least a year.

There are several options available after the year expires. If the situation is still uncertain, punitive damages may be further deferred. The Court could reassemble the juries that tried compensatory damages in individual cases and have them try punitive damages. The Court could call new juries in individual cases to try punitive damages. The Court could order a class action trial of punitive damages against individual defendants, alone or in joint trials. If several defendants are liquidated and the remaining defendants are forced to pay their share of damages, it may be determined that the remaining defendants have been punished enough and that punitive damages are inappropriate for this particular mass plaintiff tort litigation.

It should be noted that the in the proposed plan in which Johns Manville will come out of Chapter 11 bankruptcy, all plaintiffs will have to forgo punitive damages to pursue their claims. This indicates that the proposal to at least defer punitive damages is in accordance with the approach taken in the rest of the asbestos litigation.

It is true that some of the solutions proposed are novel. But it must be considered that this litigation is novel. In Philadelphia County alone over 5,000 asbestos cases have been filed. This kind of volume of major cases is unknown in the United States. If the judicial system is not going to break, it must adjust.

If punitive damages are allowed in the face so many major defendants filing for bankruptcy, it is very possible that some plaintiffs will get the windfall of punitive damages while others find that the money is gone by the time their cases come to trial. It has been estimated that asbestos cases will continue to be filed in great numbers until the end of the century.

For these reasons, it is appropriate to wait to see what happens before punishing defendants that certainly have punished to some extent already.

3. The Special Circumstances Where Pacor Has Settled in an Individual Case.

There is a special circumstance that occurs when Pacor, Inc. has settled with a plaintiff and in fact paid the settlement.

present the bankruptcy, if after trial Pacor, Inc. was proven to be a joint tortfeasor, the defendants would be entitled to the greater of the dollar amount paid by Pacor or a pro-rata reduction of Pacor's share. If Pacor was not held in as a defendant (and the plaintiff would argue this solution at trial) there would be no reduction.

As discussed above, there are particular problems in proceeding with a determination of a bankrupt defendant's liability, even were the plaintiff to stand in its shoes to make the arguments. Were Pacor merely severed, the defendants would have to await the outcome of the bankruptcy proceedings, go against Pacor, and then have Pacor go against the plaintiff to be held harmless. To have the plaintiff keep the Pacor settlement and avoid any reduction for this settlement is akin to "double dipping."

There is a middle ground. If plaintiffs who have settled with Pacor, Inc. wish to proceed against the non-bankrupt defendants, they will have to agree to a reduction of the dollar amount received from Pacor, Inc. against any verdict rendered without a determination of whether or not Pacor is a joint tortfeasor. The defendants may then decide whether they want to reduce their liability by their proportionate share of the Pacor settlement or await the ultimate resolution of the Pacor bankruptcy to seek contribution of Pacor's full pro-rata share.

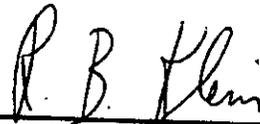
The plaintiffs will have to reveal the amount of the Pacor settlement so the defendants may make an intelligent choice.

The plaintiffs should be deemed to have made a reasonable settlement with Pacor after considering the likelihood of Pacor's being held in as a joint tortfeasor. Therefore, the dollar-for-dollar reduction is equitable, and in fact is the law in many jurisdictions.

* * * * *

Therefore, this Court has determined that it is in the best interests of all parties to the asbestos litigation to grant severance of the cases against the non-bankrupt defendants upon condition that the plaintiffs defer punitive damages for a period of one year; and that those defendants who have settled with Pacor, Inc. reveal the dollar amount of that settlement and agree to reduce any verdict by that sum.

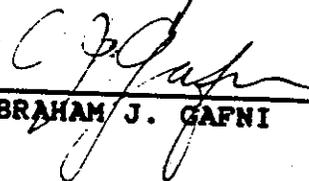
BY THE COURT:



RICHARD B. KLEIN



EDWARD J. BLAKE



ABRAHAM J. GAFNI

EXHIBIT “B”

BRBS



Supreme Court of Pennsylvania

Eastern District

CHARLES W. JOHNS, ESQ.
PROTHONOTARY

468 CITY HALL
PHILADELPHIA, PA 19107
(215) 560-6370

July 25, 1991

Howell K. Rosenberg, Esq.
BROOKMAN, ROSENBERG, BROWN AND
SANDLER
230 South Broad Street, 15th Floor
Phila., PA 19102

RE: *Carl W. Williams, Jr., et al., Appellants v.
Raymark Industries, Inc., et al.*
NO. 43 E.D. APPEAL DOCKET 1987

Dear Counsel:

This is to advise you that the attached Order has been entered in the above captioned matter.

Accordingly, the above captioned appeal has been discontinued of record.

A certificate of order to that effect has been sent to the Court of Common Pleas - Civil Division of Philadelphia County.

Very truly yours,

Bernice G. LaBoo,
Chief Clerk

/rmf

cc: Norman Perlberger, Esq.
John Patrick Kelley, Esq.
Richard A. Curtis, Esq.
John Fitzpatrick, Esq.
James F. Hamill, Esq.

IN THE SUPREME COURT OF PENNSYLVANIA
Eastern District

CARL W. WILLIAMS, JR., and : No. 43 E.D. Appeal Dkt. 1987
FRANCES WILLIAMS, h/w, :
Appellants :
v. :
RAYMARK INDUSTRIES, INC., :
ET AL. :

ORDER

PER CURIAM:

AND NOW, this 24th day of July, 1991, the Application
for Discontinuance is granted.

TRUE COPY FROM RECORD
Attest: July 25, 1991

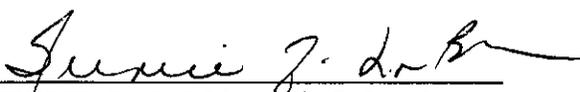

BERNICE G. LaBOO, Chief Clerk
Supreme Court of Pennsylvania -
Eastern District

EXHIBIT “C”

SUPREME COURT OF PENNSYLVANIA

EASTERN DISTRICT

E. D. APPEAL DOCKET 1987

R. _____ **Nº 038**

Nº 038

TITLE OF CASE	ATTORNEYS FOR APPELLANT
<p>ROBERT L. PATTERSON and DORIS F. PATTERSON, h/w, Appellants</p> <p align="center">v.</p> <p>RAYMARK INDUSTRIES, INC., et al.</p> <p><u>Transferred to the MAY 12, 1987 SESSION IN HARRISBURG</u></p> <p><u>Consolidated w/43 E.D. Appeal Dkt. 1987</u></p> <p align="center"><u>DISCONTINUED</u></p> <p>Argued: 5/15/87 J-121 Opinion: 6/1/87 Remitted: 6/29/87</p>	<p>Norman Perlberger, Esquire 569-5500 Mitchell S. Cohen, Esquire Larry Haft, Esquire BLANK, ROME, COMISKY & McCAULEY 1200 Four Penn Center Plaza Philadelphia, PA 19103</p> <p align="right"><i>Reproduction of an Original Record Please Credit PA STATE ARCHIVES 350 North Street, Harrisburg, PA 17120-0090 PA Historical & Museum Commission</i></p>
<p>Appeal from: Order dated 12/1/86.</p> <p>Court below: C.P. - Civil Division County: Philadelphia No. below: 4267 March Term, 1981</p> <p>Judge below: Richard B. Klein, J. Abraham J. Gafni, J. Edward J. Blake, J.</p> <p>Notice of Appeal filed below 3/27/87. Plenary Jurisdiction assumed at No. 289 E.D. Misc. Docket 1986.</p>	<p align="center">ATTORNEYS FOR APPELLEE</p> <p>John Patrick Kelley, Esquire 923-4400 KRUSEN, EVANS & BYRNE 5th Floor, Public Ledger Building Independence Square Philadelphia, PA 19106</p> <p>Richard A. Curtis, Esquire 854-7175 WHITE & WILLIAMS 17th Floor 1234 Market Street Philadelphia, PA 19106</p>
<p>NATURE OF CASE: PLENARY JURISDICTION</p>	<p>John Fitzpatrick, Esquire 751-9450 CURRAN, MYLOTTE, DAVID & FITZPATRICK 1800 J.F. Kennedy Boulevard 7th Floor Philadelphia, PA 19103</p>
<p>NOTICE OF APPEAL DOCKETED IN SUPREME COURT: 3/30/87.</p> <p>Fee Paid: At Misc. Dkt. In Forma Pauperis:</p>	<p>James F. Hamill, Esquire (609) 662-8444 McCARTER & ENGLISH The Commerce Center 1810 Chapel Avenue West Cherry Hill, NJ 08002</p>
<p>ORIGINAL RECORD FILED: 4/22/87. Record in two parts, filed.</p>	

Appellant's Brief and Reproduced Record due: 4-16-87

Appellee's Brief due: 5-4-87

Appellant's Brief filed: _____

Appellee's Brief filed: _____

Reproduced Record filed: _____

Date

Filings-Proceedings

The following Order was entered at No. 289 E.D. Misc. Dkt. 1986;

3/27/87

ORDER: AND NOW, this 27th day of March, 1987, this Court hereby assumes plenary jurisdiction over the above-captioned matters. The same are to be consolidated and listed for oral argument during the Session of Court commencing May 12, 1987 in Harrisburg.

BY THE COURT:
s.NIX, Chief Justice

4/24/87

Copy of Petitions, etc. and Original Record, exit to Middle District.

5/15/87

ARGUED J-121

6/1/87

DECISION: MATTER REMANDED TO THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY WITH INSTRUCTIONS. PER CURIAM (Jurisdiction retained)

6/1/87

Judgment entered.

6/29/87

Remitted.

7/21/87

Copy of lower court order, received.

11/17/87

ORDER: AND NOW, this 17th day of November, 1987, the above matter having been returned to this Court by the Court of Common Pleas of Philadelphia, the parties are hereby directed to notify this Court within twenty days of the date of this Order why it should not relinquish jurisdiction. PER CURIAM

Former Justice Hutchinson did not participate in this Order.

12/3/87

Copy of Second Amended Order of lower court, received.

12/7/87

No-Answer letter to Second Amended Order on behalf of Appellee, filed.

12/7/87

Appellant's Statement to Retain Jurisdiction, filed.

1/20/88

Appellees' Response in Opposition to Appellants' Statement to Retain Jurisdiction, filed.

7/24/91

DISCONTINUED.

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PA STATE ARCHIVES
350 North Street, Harrisburg, PA 17120-0090
PA Historical & Museum Commission

Case ID: 86100001

Control No.: 10100288