

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

**LORI L. LARKA,**

**Plaintiff/Appellee** :

:

v. :

**No. 06-20,279**

:

**CIVIL DIVISION**

:

**BRUCE K. LARKA,**

**Defendant/Appellant** :

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

The Appellant appeals this Court’s September 26, 2006 Opinion and Order regarding the Plaintiff’s Exceptions filed to the Family Court Master’s Order of May 23, 2006; specifically, the Appellant challenges this Court’s decision to vacate the Master’s award of alimony pendente lite to the Defendant/Appellant effective May 8, 2006. Defense counsel filed a timely Notice of Appeal on October 10, 2006. On October 13, 2006, this Court directed the Defendant, in accordance with Pa.R.A.P. No. 1925(b), to file a Concise Statement of Matters Complained of on Appeal. On October 18, 2006, the Appellant did file, with the Prothonotary, his Concise Statement of Matters Complained of on Appeal; however, the Appellant failed to file said Statement with the trial court as required by Pa.R.A.P. No. 1925(b).

Pennsylvania Rule of Appellate Procedure 1925(b) provides that, the Court may enter an Order directing the appellant to file of record in the lower court *and serve on the trial judge* a concise statement of the matters complained of on the appeal no later than fourteen (14) days after entry of such order. (emphasis added). The Rule further provides that, the Court may consider a failure to comply with such direction as a waiver of all objections to the order, ruling, or other matter complained of. “. . . Additionally, in *Forest Highlands Community Association v. Nancy Hammer*, 2005 PA. Super. 235, 879 A.2d 223 (Pa. Super. Ct. 2005), the Superior Court

of Pennsylvania held that, although an Appellant may have filed his/her concise statement with the Prothonotary within the fourteen (14) day window under the Rule, the Appellant's failure to file said statement with the trial judge will rendered his/her complaint(s) on appeal moot.

Instantly, because the Appellant failed to fully comply with this Court's October 13, 2006 Order directing him to file, pursuant to Pa.R.A.P. No. 1925, a concise statement of matters complained of on appeal with the Prothonotary and the trial judge, this Court respectfully suggests that the Defendant has waived all issues for appeal purposes.

By the Court,

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy L. Butts, Judge

xc: William J. Miele, Esq.  
Janice R. Yaw, Esq.  
Honorable Nancy L. Butts  
Judges  
Gary L. Weber, Esq. (Lycoming Reporter)  
Laura R. Burd, Esq. (Law Clerk)