

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

WILLIAM R. CAMERER, JR. and NORMA	:	NO. 04-00,557
DOEBLER CAMERER, on behalf of Doebler	:	
Farmland, Inc., and individually,	:	
Plaintiffs	:	
	:	
vs.	:	
	:	CIVIL ACTION
DOEBLER FARMLAND, INC., a Pennsylvania	:	
Corporation, TAYLOR DOEBLER, III,	:	
MELANIE DOEBLER, PATRICE DOEBLER and	:	
CHRISTOPHER J. McCracken,	:	
Defendants	:	

SUPPLEMENTAL OPINION IN SUPPORT OF ORDER OF JUNE 14, 2006,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

This Supplemental Opinion is being issued in response to the Motion for Reconsideration filed by Defendants on September 5, 2006. Defendants seek to have the Court retract footnote 2 of the Opinion issued August 22, 2006, taking umbrage with the Court’s conclusion that they failed to serve a copy of their Statement of Matters Complained of on Appeal on the Court. Defendants contend they filed the Statement with the Prothonotary and were advised “that the Statement would be forwarded to Judge Anderson.” While the Court takes no personal offense at this procedure, it feels constrained by the admonition recently issued against it by the Superior Court,¹ to note the lack of service in this matter.²

1 On July 12, 2006, the Superior Court filed a memorandum opinion in the matter of Commonwealth v. Fillman, No. 1614 MDA 2005, Lycoming County No. CR – 919 – 2004, finding all issues raised by the defendant therein to have been waived for failure to serve a copy of the Statement of Reasons Complained of on Appeal on the trial judge, and in the process, noting “Our Supreme Court has made it clear that the lower courts are not to overlook any dereliction to comply with Rule 1925, nor are we to apply equitable principles in order to reach the merits of an appeal where there is a failure to comply with the Rule”, citing Commonwealth v. Schofield, 888 A.2d 771 (Pa. 2005), and referencing Schaefer v. Aames Capital Corp., 805 A.2d 534 (Pa. Super. 2002).

2 While the Statement was indeed filed with the Prothonotary, this judge never received a copy of the Statement.

Dated: September 8, 2006

Respectfully Submitted,

Dudley N. Anderson, Judge

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Hon. Dudley Anderson