

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

GERARD J. ZEIDLER, JR.,  
Plaintiff

vs.

DIANE E. ZEIDLER,  
Defendant

:  
: No. 07-10,108  
:  
: CIVIL ACTION – LAW  
: IN DIVORCE  
:  
:  
: Bifurcation

**ORDER**

AND NOW, this 12<sup>th</sup> day of December 2007, after hearing and argument on December 11, 2007, the Court **DENIES** the request of Plaintiff Gerard Zeidler, Jr. for Bifurcation of this divorce.

This is a relatively recent complaint in divorce filed in January 2007. The only compelling circumstance offered for the bifurcation is that Mr. Zeidler loves another party and wants to remarry. While the Court gives some credence to this desire and understands Mr. Zeidler's desire, the Court cannot find this reason, at this time, to be compelling, especially in light of the economic unfairness to Mrs. Zeidler if the Court grants bifurcation.

Mrs. Zeidler is covered by Mr. Zeidler's medical insurance. Mr. Zeidler is a full-time police officer in Danville. Mrs. Zeidler has some distinct medical problems at this time. She is in need of the insurance. While Mr. Zeidler at this time offers to increase the alimony pendente lite payment to help her pay for new insurance, the availability and cost of such insurance is unclear..

Counsel for Mr. Zeidler cites to the case of Savage v. Savage, 735 A.2d 633 (Pa.Super 1999), which approved a trial court's bifurcation of a divorce. This Court has

reviewed the Savage case and does not find it extremely helpful to Mr. Zeidler's position. The parties in the Savage case were litigating the divorce for approximately four years before bifurcation. The wife was clearly delaying the progression of the case. Husband in Savage agreed to continue paying wife's medical insurance. He also agreed to APL payments of \$730 per week. Thus, the Superior Court did not feel that the trial court abused its discretion in permitting bifurcation in the Savage case.<sup>1</sup>

Mrs. Zeidler's income is substantially less than that of Mr. Ziedler. The Court believes bifurcation would cause some unfairness to her overall economic situation. The Court also is concerned that bifurcation will lessen Husband's desire for full settlement of all the economic issues. The parties have substantial debt which must be promptly addressed.

The Court encourages Mr. Ziedler to immediately praecipe for a master to resolve the remaining economic issues. He can obtain the divorce quite simply by bringing the case to a conclusion..

By The Court,

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Kenneth D. Brown,  
President Judge

cc: Tiffany Kase, Esquire  
John Felix, Esquire  
Work file  
Gary Weber, Esquire (Lycoming Reporter)

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<sup>1</sup> The Savage decision also was decided long before the January 2005 amendment to the bifurcation statute, which now requires the petitioner to show "compelling circumstances" for the court to grant bifurcation.