

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

<b>ELSA M. ALEXANDER,</b>	:	
<b>Plaintiff</b>	:	<b>No.: 02-21, 225</b>
	:	<b>CIVIL ACTION – LAW</b>
<b>v.</b>	:	<b>DIVORCE</b>
	:	
<b>JASON B. ALEXANDER,</b>	:	
<b>Defendant</b>	:	

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

On January 18, 2012, Counsel for the Defendant filed a notice of appeal from this Court’s Order of December 19, 2011, which granted the Plaintiff’s request for Emergency Custody. Attached to the notice of appeal was the Defendant’s concise statement of matters complained of on appeal in compliance with Pa.R.A.P. 1925(a)(2)(i) relating to Children’s fast track appeals. This Opinion in support of the Court’s December 19, 2011 Order is filed within 30 days of the receipt of the notice of appeal as required by Pa.R.A.P. 1925(a)(2)(ii).

In his concise statement, the Defendant alleges that the Court erred in conducting the hearing on December 19, 2011 at 9:00 a.m. without notice to the Defendant’s attorney of record, rather than 11:00 a.m. on the same date as established by prior Order of Court. At the time of the December 19, 2011 hearing, the Court determined that the Defendant had in fact received notice of the time change from 11:00 a.m. to 9:00 a.m., but that he failed to appear at 9:00 a.m..

THE COURT: I had contact with my law clerk, Miss Browning, within the last two minutes who did notify and spoke directly to the Defendant about changing the time from 11 to 9. He said that that shouldn’t be a problem, that he had Richard Callahan as an attorney and that he was trying to get another attorney, but that shouldn’t be a problem....

As the Court determines that the Defendant did in fact receive notice of the hearing time change, the Court requests that the Superior Court affirm this Court's Order of December 19, 2011.

DATE: \_\_\_\_\_

By the Court,

Nancy L. Butts, President Judge

xc: Janice R. Yaw, Esq.  
Richard J. Callahan, Esq.