

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

MATTHEW BOWER, Plaintiff	:	No. 17-1502
vs.	:	CIVIL ACTION - LAW
JOHN BOWER, JR and BOWER CONTAINER, LLC, and BOWER CONTAINER & SERVICES, INC., Defendants	:	RULE 1925(a) OPINION

DATE: October 22, 2019

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

On September 26, 2019, Matthew Bower (hereinafter, “Appellant”) filed a Notice of Appeal to the Superior Court from the Order “entered in this matter on July 29, 2019.” Pursuant to an Order docketed October 1, 2019, this Court directed the Appellant to file a concise statement of the errors complained of on appeal within 21 days pursuant to Pa.R.A.P. 1925(b). On October 17, 2019, Appellant filed a timely Statement of Matters Complained of on Appeal alleging:

1. Trial Court erred in determining the plaintiff did not give ‘Notice of Demand’ pursuant to Pa.R.C.P. 1508;
2. Trial Court erred in determining that the plaintiff’s complaint was “devoid” of the relevant elements of a derivative lawsuit.
3. Trial Court erred in determining that the allegations in the complaint were “vague” and unspecific.

A review of the file indicates that there was no Order entered in this matter on July 29, 2019, as the Appellant claims in his Notice of Appeal. In fact, by

Order dated August 3, 2018, this case was dismissed for failure to file an amended complaint as ordered by this Court on May 9, 2018. The Appellant is well beyond the 30-day window for appealing the Order dismissing the case and therefore this Court respectfully requests that the appeal be dismissed.

By the Court,

Joy Reynolds McCoy, Judge

cc. Superior Court (original +1)
Jeffrey A. Rowe, Esquire
Mary Kilgus, Esquire
Gary Weber (Lycoming Reporter)
Jeri Rook, Executive Secretary to Judge McCoy