

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

MATTHEW BOWER,	:	
MATTHEW BOWER TRUCKING, INC., and	:	
BOWER TRUCKING,	:	
Plaintiffs	:	
	:	NO. 18-1585
vs.	:	CIVIL ACTION
	:	
PENELOPE BOWER,	:	1786 MDA 2019
Defendant	:	

DATE: December 2, 2019

**OPINION IN SUPPORT OF THE ORDERS DOCKETED OCTOBER 3, 2019, IN
COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

The Appellants, Matthew Bower, Matthew Bower Trucking, Inc., and Bower Trucking (hereinafter referred to as “Plaintiffs” or “Appellants”) have appealed this Court’s Order dated October 1, 2019, and docketed on October 3, 2019, which dismissed the Amended Complaint in Replevin filed by Plaintiffs on May 31, 2019. This Court initially notes that by Order docketed September 9, 2019, this Court partially granted a Motion for Judgment on the Pleadings filed by Penelope Bower (hereinafter referred to as “Defendant” or “Appellee”). That Order, which was not appealed, granted Defendant’s motion with regard to all 3 Plaintiffs in relation to one truck at issue and with regard to 2 of the 3 Plaintiffs in relation to the second truck at issue, the 1999 International. The Court found that Bower Trucking was the registered owner of the 1999 International but that there was a factual dispute between the parties as to the identity of the partners of Bower Trucking. The hearing on October 1, 2019, was limited to establishing the identity of the individuals who are partners in the business entity known as Bower Trucking so that the Court could determine whether Matthew Bower, individually, could pursue his replevin action with regard to the 1999 International.

Following the hearing on October 1, 2019, this Court, by Order docketed October 3, 2019, found that the 1999 International is owned by the partnership of Bower Trucking comprised by the Defendant and her now-deceased mother. Consequently, the Court dismissed the Amended Complaint in Replevin filed by the Plaintiffs. Plaintiffs filed a Motion for Reconsideration on October 4, 2019, which was denied by this Court on October 8, 2019.

This Court also heard testimony on Plaintiffs' Petition for Contempt, and a separate Order was docketed on October 3, 2019, finding that there was not sufficient evidence to establish that Defendant had possession of titles and documents ordered to be returned to Plaintiff pursuant to the Order issued by this Court on October 31, 2018. The Plaintiffs' Petition for Contempt was therefore dismissed.

A Notice of Appeal was filed on behalf of all three named Plaintiffs on October 24, 2019. This Court issued an Order on October 25, 2019, directing Appellants to file a Concise Statement of the Matters Complained of on Appeal as described in Pa.R.A.P. 1925(a) within 21 days. Appellants' Concise Statement was timely filed on November 14, 2019.

Appellants' appeal should be denied and the Court's Orders docketed October 1, 2019, should be affirmed. The Orders docketed October 3, 2019, are a comprehensive analysis of the Court's decision including conclusions of law and determinations of credibility, and are supported by the testimony from the hearing held

on October 1, 2019. This Court will rely on its Opinion and Order with regard to the Amended Complaint in Replevin and its Order with regard to the Petition for Contempt, both docketed on October 3, 2019, for purposes of this appeal.

BY THE COURT,

Joy Reynolds McCoy, Judge