

BENNETT, BRICKLIN & SALTZBURG LLC
INTRAOFFICE MEMO

Subject: Summary of Cases reported in Pa Law Weekly of August 3, 2009

Date: August 5, 2009

1. **PA Practice-Trials**

Preservation of objections re: *voir dire* questions.

Allen v. Thomas, Commonwealth Court, opinion by Friedman, S.J. Filed July 24, 2009 (PICS 09-1237)

In a personal injury action arising from a motor vehicle accident, the jury returned a verdict for the defendant. Plaintiff filed post trial motions, arguing that the Court limited his ability to question jurors about their attitudes toward tort reform. The *voir dire* proceedings before the Court were not recorded. Plaintiff's post trial motions were denied and the denial was affirmed on appeal.

The basis of the affirmance of the lower Court was that without evidence of what happened during the *voir dire* proceedings, the Court was unable to conclude that the trial court made improper rulings.

NOTE: If you wish to preserve arguments on what occurred during *voir dire*, make sure that you have the court reporter present.

2. **PA Practice-Amendment of Pleadings**

Judge Wettick of the Allegheny County Common Pleas Court has ruled in three unrelated but similar cases that the plaintiff is entitled to an extension of the statute of limitations where a wrongly named defendant either negligently or intentionally mislead the plaintiff to believe that his or her claim was correctly targeted.

In Shaffer v. Allegheny General Hospital, CP Allegheny County, July 22, 2009 (PICS 09-1253) Judge Wettick addressed motions to amend complaints in three cases after the statute of limitations had run.

Beginning on page 1 of the Pa Law Weekly issue of August 3, 2009 (which is being retained by Mary Ellen Evans) is an article outlining the various positions taken by the parties in these three cases and the court's decisions.

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