

The Pennsylvania Appellate Case Review

By Daniel J. Siegel, Esquire

LAW OFFICES OF DANIEL J. SIEGEL, LLC

(610) 446-3457 • Fax (484) 636-3993

E-mail DSiegel@DanielJSiegel.com

.....
REPORTING DECISIONS THROUGH APRIL 30, 2019

Pennsylvania Appellate Court Decisions

I. Substantive Law

A. *Appellate Practice & Procedure - Waiver*

- [Hassel v. Franzi, 2019 PA Super 109 \(Pa.Super., April 8, 2019\)](#)

- **Holding:** A party waives an issue on appeal when it does not specifically preserve the issue in the record and does not reproduce on appeal the entire trial record.

B. *Evidence - Alcohol Use*

- [Livingston v. Greyhound Lines, Inc., 2019 PA Super 134 \(Pa.Super., April 29, 2019\)](#)

- **Holding:** A vehicle operator's admission that he was "f..ed up" and had been "smoking pot" are not admissible as evidence because the statements were ambiguous and indefinite about the driver's condition at the time of the accident.

C. *Expert Witness Testimony - Qualifications & Disqualification*

- [Wright v. Residence Inn by Marriott, Inc., 2019 PA Super 110 \(Pa.Super. April 9, 2019\)](#)

- **Holding:** An internist is qualified to testify about orthopedic issues in a personal injury matter when his qualifications establish that he possesses a reasonable pretension to specialized knowledge regarding the medical issues sufficient to assist the trier of fact.

D. *Personal Jurisdiction*

- [Vaughan v. Olympus America, Inc., 2019 PA Super 112 \(Pa.Super. April 10, 2019\)](#)

- **Holding:** A trial court may exercise personal jurisdiction over an out-of-state defendant that engaged in "relevant acts" together with an in-state company, and is liable for the in-state company's FDA-related conduct in Pennsylvania.

E. *Unemployment Compensation*

- [Harmon v. Unemployment Compensation Board of Review, No. 37 EAP 2017 \(Pa. April 26, 2019\)](#)

- **Holding:** An unemployment compensation claimant serving a sentence of incarceration on weekends only is not disqualified from receiving unemployment compensation benefits. Chief Justice Saylor, Justice Donohue and Justice Wecht each filed concurring opinions; Justice Mundy filed a dissenting opinion.

II. Allocatur Petition

A. *The Pennsylvania Supreme Court has granted appeal in the following matters for the issues stated:*

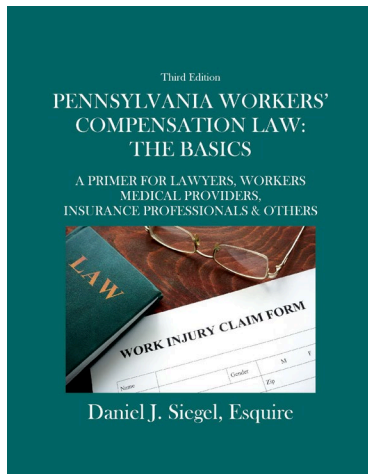
☐ [Hammons v. Ethicon Inc., No. 458 MAL 2018 \(Pa., April 10, 2019\)](#)

- Whether the Due Process Clause of the Fourteenth Amendment to the United States Constitution and 42. Pa. C.S. § 5322(c) precludes Pennsylvania from asserting personal jurisdiction over two New Jersey companies in a case brought by an Indiana resident asserting claims under the Indiana Product Liability Act?

The Only Desk Reference with the Entire Workers' Compensation Act and the Most Current Regulations

The Pennsylvania Workers' Compensation Book

By Daniel J. Siegel, Esquire



The only resource of its kind, *Pennsylvania Workers' Compensation Law: The Basics: A Primer for Lawyers, Workers, Medical Providers, Insurance Professionals & Others*, is an up-to-date and easy-to-understand guide to Pennsylvania workers' compensation law, practice and procedure. Designed as a desk reference for attorneys, paralegals, injured workers, employers, claims adjusters, self-insured employers and vocational rehabilitation workers, the book includes:

- The latest versions of the Pa. Workers' Compensation Act and Regulations
- A complete analysis of the medical provider provisions of the Act
- Information for attorneys who don't regularly handle workers' comp claims
- Helpful tips to better understand Pennsylvania's workers' compensation system

Buy your copy today! Only \$49.95

- [Order Direct from the Author by completing this Order Form](#)
- Call 1-610-446-3457
- Email wcbook@danieljsiegel.com

Also available from [Amazon.com](#) and [Barnes & Noble](#) in traditional editions, and in a [Kindle](#) edition.