

# 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 [Dan@DanielJSiegel.com](mailto:Dan@DanielJSiegel.com)

.....  
REPORTING DECISIONS THROUGH JUNE 3, 2022

## Pennsylvania Appellate Court Decisions

### I. Civil Litigation

#### A. *Default Judgment - Defects*

- [\*Penn National Mutual Casualty Insurance Co. v. Phillips, 2022 PA Super 90 \(Pa.Super., May 17, 2022\)\*](#)

➤ **Holding:** A judgment by default is defective under Pa.R.Civ.P. 237.1 and must be stricken if it fails to include a copy of the 10-day notice or a certification that the written notice of intention to file a praecipe for default judgment was sent.

### II. Motor Vehicle Insurance

#### A. *Rejection of UIM Limits*

- [\*Hartford Fire Insurance Co. v. Davis, 2022 PA Super 85 \(Pa.Super., May 9, 2022\)\*](#)

➤ **Holding:** Pursuant to Section 1731 of the Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.A. § 1731, when a carrier fails to obtain a proper waiver rejecting underinsured motorist benefits, the policy must provide UIM coverage in an amount equal to the liability coverage of the policy.

### III. Ethical Issues in Litigation

#### A. *Attorney-Client Privilege*

- [\*In re: Trust of Scaife, Appeal of PNC Bank, N.A., 2022 PA Super 93 \(Pa.Super., May 23, 2022\)\*](#)

➤ **Holding:** Consistent with the fiduciary exception to the attorney-client privilege and the attorney work product doctrine, a trustee cannot withhold from any beneficiary documents regarding the management of the trust, including opinions of counsel procured by the trustee to guide the trustee in the administration of the trust, because trust law imposes a duty to make these documents available to the beneficiaries. This ruling affirms the Pennsylvania Supreme Court's plurality opinion in *In re Estate of McAleer*, 248 A.3d 416 (Pa. 2021).