

**[J-22-2007]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

LOIS EISER, ADMINISTRATRIX OF THE ESTATE OF WILLIAM M. EISER AND LOIS EISER, INDIVIDUALLY,	:	No. 39 EAP 2006
	:	
Appellant	:	Appeal from the Memorandum and Order of the Superior Court at No. 191 EDA 2004 dated January 19, 2006 (reargument denied March 29, 2006) which affirmed the Judgment of the Court of Common Pleas of Philadelphia County, Civil Division entered January 8, 2004 at No. 4367 March Term, 1999.
v.	:	
BROWN & WILLIAMSON TOBACCO CORPORATION AND THE TOBACCO INSTITUTE,	:	ARGUED: May 16, 2007
	:	
Appellees	:	

**CONCURRING OPINION**

**MR. JUSTICE SAYLOR**

**DECIDED: December 28, 2007**

Other than by application of the doctrine of stare decisis, I have not supported the strict waiver approach deriving from Lord, and I do not support an expansion of that doctrine. In this case, I believe that the trial and intermediate appellate court had reasonable alternatives short of the drastic sanction of outright dismissal to address the apparent lack of conciseness in the statement of matters complained of on appeal. Accordingly, I support the plurality's ultimate disposition.