

**NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37**

MELISSA HUNKER,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
TODD HUNKER,	:	
	:	
Appellant	:	No. 1061 WDA 2011

Appeal from the Order June 8, 2011  
In the Court of Common Pleas of Washington County  
Civil Division at No(s): 2001-2882

BEFORE: PANELLA, ALLEN, and STRASSBURGER,\* JJ.

DISSENTING STATEMENT BY STRASSBURGER, J.: Filed: March 1, 2013

I respectfully dissent because I do not believe that Father’s behavior warranted an award of attorney’s fees.

First, I believe that the trial court’s order setting the time for the hearing at which Father failed to appear is vague. It merely provides a rule returnable date with no express language indicating that a hearing will be held at that time. Second, and more critically, Father filed an Answer to Emergency Petition and Counter Petition for Relief on June 8, 2011, prior to 11:30 a.m., in which **he twice requested a hearing**. It would make no sense for Father to do so unless he misunderstood the trial court’s order.

Accordingly, Father’s conduct in this case did not “demonstrate[] a complete lack of respect for the trial court and the opposing party” as the Majority suggests. Majority Memorandum at 4. Rather, it appears that Father

\* Retired Senior Judge assigned to the Superior Court.

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reasonably misunderstood the order of the trial court, and he should not be punished for an honest misunderstanding.

As a result, I would vacate and remand for further proceedings.