

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

JOAN LICHTMAN

Appellant

v.

EDWARD KOCH AND WHITE AND  
WILLIAMS LLP

Appellees

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 2092 EDA 2013

Appeal from the Order June 28, 2013  
In the Court of Common Pleas of Philadelphia County  
Civil Division at No(s): March Term 2013 No. 02635

BEFORE: PANELLA, LAZARUS, and JENKINS, JJ.

JUDGMENT ORDER BY PANELLA, J.:

**FILED JULY 10, 2014**

Appellant, Joan Lichtman, appeals *pro se* from the order entered on June 28, 2013, in the Court of Common Pleas of Philadelphia County. After careful review, we affirm.

Lichtman, acting *pro se*, commenced an action against Appellees on March 19, 2013, by the filing of a writ of summons. Contemporaneous with the filing of the writ of summons, Lichtman filed a petition to proceed *in forma pauperis* pursuant to Pennsylvania Rule of Civil Procedure 240. Rule 240(j), as amended in 2012, provides in pertinent part:

- (1) If, simultaneous with the commencement of an action or proceeding or the taking of an appeal, a party has filed a petition for leave to proceed in forma pauperis, the court prior to acting upon the petition may dismiss the action, proceeding or appeal if the allegation of poverty is untrue or if it is satisfied that the action, proceeding or appeal is frivolous.

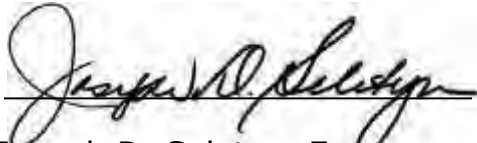
- (2) If the petitioner commences the action by writ of summons, the court shall not act on the petition for leave to proceed in forma pauperis until the complaint is filed. If the complaint has not been filed within ninety days of the filing of the petition, the court may dismiss the action pursuant to subdivision(j)(1).

Pa.R.Civ.P. 240(j)(1) and (2).

The trial court's independent review of the docket indicated that as of June 27, 2013, no complaint had been filed. As more than ninety days had elapsed from the filing of the writ of summons, the trial court entered an order on June 28, 2013, dismissing Lichtman's action against Appellees in accordance with Rule 240(j). **See** Order, 6/28/13, at 1. Lichtman clearly violated the mandates of our Rules of Civil Procedure and, as such, the trial court acted within its province in dismissing Lichtman's action for frivolity.

Order affirmed. Jurisdiction relinquished.

Judgment Entered.



Joseph D. Seletyn, Esq.  
Prothonotary

Date: 7/10/2014