

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

JOAN LICHTMAN

Appellant

v.

ZELENKOFKSKE AXELROD & CO., LTD.

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 978 EDA 2013

Appeal from the Order March 20, 2013
In the Court of Common Pleas of Philadelphia County
Civil Division at No(s): 01092 June Term 2003

BEFORE: PANELLA, J., LAZARUS, J., and JENKINS, J.

MEMORANDUM BY PANELLA, J.

FILED JULY 14, 2014

Appellant, Joan Lichtman, appeals *pro se*, from the order entered on March 20, 2013, by the Honorable Gary S. Glazer, Court of Common Pleas of Philadelphia County. We affirm.

This action started many years ago as a collection of judgment obtained by Appellee, Zelenkofske, Axelrod & Co., LTD ("ZA"), against Lichtman.

In 1998, Lichtman filed an action in the Philadelphia Court of Common Pleas against ZA alleging violations of the Americans with Disabilities Act. **See** Opinion, 6/3/08, at 1. ZA removed the case to the United States District Court for the Eastern District of Pennsylvania. **See id.** Following a jury trial in September 1999, ZA was awarded a judgment. **See id.** ZA then filed a petition for assessment of fees and costs, which the court ordered Lichtman

to pay \$41,879.12. **See id.**, at 2. Lichtman subsequently appealed to the United States Court of Appeals for the Third Circuit, which affirmed the order of the District Court. **See id.** On June 9, 2003, the United States District Court certified the judgment and counsel for ZA, Flamm, Boroff & Bacine, P.C. ("Flamm") transferred said judgment against Lichtman to the Philadelphia Court of Common Pleas. **See id**

Flamm then filed a Praecipe to Issue Writs of Execution and Interrogatories in Aid of Execution for several financial institutions, including PNC Bank. **See** Writ of Execution, 6/13/03. On September 5, 2003, the trial court entered judgment against garnishee PNC Bank for \$7,170.98. The trial court also entered judgment against garnishee, Janney Montgomery Scott, LLC for \$1,354.46.

Lichtman then spent several years filing many motions and petitions seeking the return of her money from Flamm, PNC Bank, and counsel for PNC, Jon Sirlin, Esquire. During this time, Lichtman preferred to plead with and insult court officials rather than advancing well thought out legal arguments. For example, in one letter to the court, which Lichtman titled "UNCLE! ENOUGH ALREADY!," she stated, "Public policy and my literal life are in Your Honors' hands. I have now lowered myself to begging for the truth, justice and the Law. Please, put an end to this nightmare help our judicial system and save my life --- now." Letter to the Honorable Esther R. Sylvester and the Honorable Matthew D. Carrafiello, 10/8/03.

Additionally, Lichtman insulted counsel for PNC Bank, stating, "You would be duly ashamed of yourself, if only you were mature enough and had even a modicum respect for yourself and for the law, not to mention, for your fellow citizens." Letter to Jon Sirlin, 10/15/03.

On February 24, 2006, Flamm motioned to voluntarily substitute itself for ZA as a party defendant. **See** Opinion, 6/8/03, at 3. On October 20, 2006, the trial court denied Flamm's motion and entered an order granting Lichtman's return of assets. **See** Order, 10/20/06. Flamm appealed to the Superior Court, and the trial court held a hearing at which it determined there was no evidence of a valid assignment from ZA to Flamm. **See** Opinion, 6/8/03, at 10. On February 25, 2009, the Superior Court affirmed the trial court's order.

On July 1, 2009, the trial court entered an order mandating Lichtman's reimbursement. **See** Order, 6/1/09. When the parties did not comply, Lichtman filed a petition for contempt, sanctions, costs, interest and punitive damages. **See** Motion for Contempt and For Sanctions, 4/17/09. On October 2, 2009, the trial court issued an order dismissing Lichtman's petition as moot due to the fact that the matter was pending in federal court. **See** Order, 10/2/09.

Following this order, Lichtman again spent several years filing various motions and appeals, attacking Judge Glazer, Flamm, and PNC Bank. Lichtman even resorted to contacting the trial court in inappropriate

manners, such as e-mail, where she pleaded with Judge Glazer stating "if I do not receive money immediately, I will soon be very dead. No way to eat; no means to survive. The manner of my death will be neither natural causes nor suicide." E-mail to the Honorable Gary S. Glazer, 10/19/09.

On March 20, 2013, the trial court entered the order from which Lichtman now appeals. **See** Order, 3/20/13. In order to stave off Lichtman's future filings, the trial court stated the following in its March 20 order:

There is no question that this litigation, commenced by Joan Lichtman, is being continued in bad faith and constitutes a blatant abuse of the judicial process. It is the view of this court, however, that the imposition of sanction against Joan Lichtman will only fan the flames of this senselessly prolonged matter and result in further waste of lawyer and court resources. Moreover, it is highly unlikely that any sanction would be either collectable or meaningful, give Ms. Lichtman's insatiable desire to pursue wasteful, vexatious, baseless, and harassing litigation. Her misuse of the judicial process is pronounced, longstanding, and obsessive. It is comprised of specious pleadings, threatening letters, and efforts to communicate with the court via email. This inappropriate conduct must stop. Therefore, the prothonotary is directed to not accept any further pleadings from Joan Lichtman in this case under any circumstances for any reason. In the event that the prothonotary fails to comply with this Order, this court will direct the prothonotary to remove the pleadings from the record. There is unfortunately little else this court can do as Ms. Lichtman is not a member of the bar and therefore not subject to the disciplinary process for her abusive and demeaning behavior.

Id., at fn. 1.

On appeal, Lichtman continues such behavior, making the following comments in her brief: "Judge Glazer's commission of crimes in collusion and conspiracy with attorneys Flamm and Sirlin has egregiously and literally

endangered Plaintiff's very life;" "Judge Glazer unconscionably refuses to save Plaintiff's life...;" "What is clear, however, is that Judge Glazer intends Plaintiff's moneys are never repaid. The consequence of that intent is Plaintiff's untimely, and extremely premature Death—a crime;" and "Plaintiff now, daily, faces an impending, premature Death, wondering if the Courts will ever "get it right," and if so, will that be before or after, all the judges bury the innocents and innocence, alongside Plaintiff, in the same grave." Appellant's Brief, 8/16/13, at 13, 16, 17, 28. There are a multitude more of insults and a catalog of alleged nefarious activities by these entities throughout the brief, which we need not recite here.

Lichtman raises five issues on appeal. Specifically, she claims the trial court abused discretion by sustaining perjury, fraud and deception committed by opposing counsel; the court refused to enforce its own orders; the court sustained the motion of an attorney who had no standing; the court disobeyed the Rules of Professional Conduct when it did not report opposing counsel to the disciplinary board; and the court disobeyed the Canons of Judicial Conduct by failing to recuse due to bias. The brief is nothing more than a rambling diatribe; it does not advance a coherent legal argument.

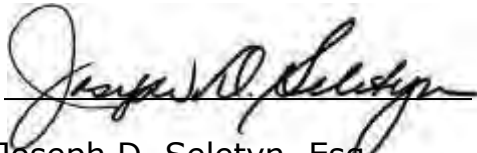
"It is well settled that the argument portion of an appellate brief must be developed with pertinent discussion of the issue, which includes citations to relevant authority." **Commonwealth v. Knox**, 50 A.3d 732, 748. (Pa.

Super. 2012). The failure to develop an issue in an argument and failure to cite pertinent legal authority renders the issue waived. **See id.** Additionally, any reference to the pleadings, evidence, charge, opinion or order must be supported by a citation to the record. **See** Pa.R.A.P. 2119(c). Throughout Lichtman's 18-page argument section of her brief, she cites five, utterly irrelevant cases. Furthermore, she has very few record citations, and those that do exist are imprecise.

Lichtman has completely failed to develop any of the issues she has raised on appeal. Therefore, we find the issues waived.

Order affirmed. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 7/14/2014