

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

STEVEN A. SASLOW, ADMINISTRATOR	:	IN THE SUPERIOR COURT OF
OF THE ESTATE OF SELMA SASLOW,	:	PENNSYLVANIA
	:	
Appellant	:	
	:	
v.	:	
	:	
ABINGTON MEMORIAL HOSPITAL,	:	
ABINGTON MEMORIAL HOSPITAL HOME	:	
CARE, CAROL HALPERN, R.N. AND	:	
DENNIS S. WANG, M.D.	:	
	:	No. 616 EDA 2015

Appeal from the Order Entered January 23, 2015
In the Court of Common Pleas of Montgomery County
Civil Division No(s): 2009-37251

BEFORE: MUNDY, JENKINS, and FITZGERALD,* JJ.

JUDGMENT ORDER BY FITZGERALD, J.: **FILED DECEMBER 07, 2015**

Appellant, Steven A. Saslow, Administrator of the Estate of Selma Saslow, appeals from the Order entered in the Montgomery County Court of Common Pleas denying the petition to reinstate the complaint. We vacate and remand.

We adopt the procedural history as set forth by the trial court:

This is a medical malpractice action that was commenced by summons on November 17, 2009. The Complaint [was] filed on December 18, 2009 The docket shows discovery and activity through April 26, 2011. On August 13, 2013, the Prothonotary sent a Notice to Terminate pursuant to Pa.R.C.P. 230.2(a) and (b). The

* Former Justice specially assigned to the Superior Court.

action was terminated on October 18, 2013, because no Notice of intention to Proceed was filed.

On October 22, 2013, [Appellant] filed a Petition to Reinstate pursuant to Pa.R.C.P. 230.2(d)(1) and (2). The petition was given a return day of December 2, 2013. [Appellant] failed to file a Certification of Service to verify notice of the return day. Therefore, the Petition was stricken without prejudice . . . on December 9, 2013,^[1] with notice to [Appellant's] counsel. . . .

Seven (7) months later, **on July 21, 2014, [Appellant] filed the instant Petition to Reinstate. . . .** This second **Petition to Reinstate was denied on January 23, 2015.** [Appellant] filed a timely appeal to the Superior Court.

Trial Ct. Op., 4/13/15, at 1-2 (emphases added).

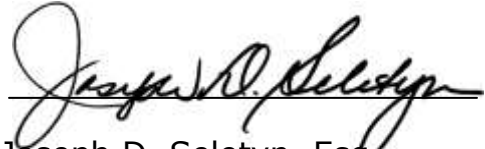
The trial court denied the petition to reinstate based upon Pa.R.C.P. 230.2(d)(3). ***Id.*** at 4-5. Rule 230.2 was suspended on April 23, 2014, effective immediately. **See** Pa.R.C.P. 230.2. Accordingly, we hold that the trial court erred in denying Appellant's Petition to Reinstate the Complaint based upon Pa.R.C.P. 230.2(d)(3). The order of the trial court is vacated and case remanded for proceedings consistent with the Pennsylvania Rules of Civil Procedure.

Order vacated. Case remanded. Jurisdiction relinquished.

¹ We note the order was docketed on December 16, 2013.

J.A30041/15

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: 12/7/2015