

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

SCOTT SMIETANA,

Appellant

v.

STATE FARM INSURANCE COMPANIES,

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 651 EDA 2012

Appeal from the Order Entered February 8, 2012
In the Court of Common Pleas of Philadelphia County
Civil Division at No(s): April Term, 2001, No. 02373.

BEFORE: PANELLA, OLSON AND FITZGERALD,* JJ.

MEMORANDUM BY OLSON, J.:

Filed: January 4, 2013

Appellant, Scott Smietana, appeals from the order entered on February 8, 2012 denying Appellant's request to strike an arbitration award entered in his favor. We affirm.

We summarize the facts and procedural history of this case as follows. Appellant alleged that an underinsured motorist injured him in a vehicular accident in February 1998. In May 2001, Appellant filed a petition to compel arbitration with Appellee, State Farm Fire & Casualty Company (hereinafter State Farm) on his claim for underinsured motorist benefits. For reasons not relevant to the current appeal, the case did not proceed to arbitration until December 2011. On December 7, 2011, following a hearing, the arbitrators issued an award in favor of Appellant in the amount of \$50,000.00. Appellant's award was subsequently reduced to \$25,000.00 to account for a

*Former Justice assigned to the Superior Court.

\$10,000.00 payment already made by State Farm and a \$15,000.00 payment by the tortfeasor. Appellant filed a petition to strike the arbitration award on January 6, 2012. State Farm filed an answer on January 19, 2012. On February 8, 2012, the trial court entered an order denying Appellant's motion to strike, confirming the December 7, 2011 arbitration award, and entering the \$25,000.00 judgment for Appellant against State Farm. This timely appeal followed.¹

On appeal, Appellant presents the following issue for our review:

1. Whether the trial court erred and/or abused its discretion in refusing to strike and/or set aside the arbitration award entered in this matter because [Appellant] was denied a fair hearing in connection with his claims?

Appellant's Brief at 3.

"[W]hen reviewing a trial court's ruling on a petition to vacate or modify an arbitration award, this Court will only reverse for an abuse of discretion or error of law." *MGA Ins. Co. v. Bakos*, 699 A.2d 751, 752 (Pa. Super. 1997). Upon review of the parties' briefs, the applicable law, and the trial court's opinion dated March 21, 2012, we discern no abuse of discretion or error of law in denying Appellant relief. The trial court examined the insurance policy between Appellant and State Farm. It discerned that the

¹ Appellant filed a notice of appeal on February 15, 2012. The trial court ordered Appellant to file a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) on February 22, 2012. Appellant filed a timely Rule 1925(b) statement on February 29, 2012. The trial court issued an opinion pursuant to Pa.R.A.P. 1925(a) on March 21, 2012.

policy expressly provided that the Pennsylvania Uniform Arbitration Act, 42 Pa.C.S.A § 7314, governed Appellant's underinsured motorist claim. Pursuant to the specific language of Section 7314, the trial court noted the limited grounds for vacating an arbitration award that, *inter alia*, excludes "errors of law" as a basis. The trial court further noted that arbitration awards are subject to a narrow standard of review for vacating an award. The trial court concluded that Appellant failed to allege that the arbitrators were impartial, exceeded their powers, or refused to postpone the hearing, consistent with the available grounds for relief under Section 7314. In addition, the trial court noted that Appellant did not aver fraud, misconduct or corruption by the arbitration panel that would have been a basis for vacating a common law arbitration award. Thus, the trial court rejected Appellant's complaint that the arbitrators improperly allowed irrelevant and inadmissible evidence regarding the amounts Appellant received from the tortfeasor and State Farm, because an allegation that a statutory arbitration award is contrary to law is not a sufficient basis to vacate the award pursuant to Section 7314. Important to its decision, the trial court noted Appellant's lack of supporting documentation or citation to relevant legal authority. The trial court's March 21, 2012 opinion adequately and accurately disposes of the sole issue presented on appeal; thus, we adopt it as our own. Because we have adopted the trial court's opinion as our own, we direct the parties to include the trial court's opinion in all future filings relating to our examination of the merits of this appeal, as expressed herein.

Finally, State Farm has filed an application to quash Appellant's appeal for failure to comply with the Rules of Appellate Procedure. "This Court may quash an appeal pursuant to Rule of Appellate Procedure 2101 if defects in the brief or reproduced record are substantial." *Booher v. Olczak*, 797 A.2d 342, 344 (Pa. Super. 2002). However, a violation of the rules that does not prevent this Court from determining the merits of the issues raised, does not merit quashal. *Id.* Here, despite Appellant's briefing deficiencies, we were still able to conduct meaningful review and, hence, decline to quash the appeal.

Order affirmed. Application to quash appeal denied.