

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

|   |   |   |
|---|---|---|
| DANIEL BERG AND SHERYL BERG,<br>H/W,          | : | No. 126 MAL 2009                          |
|   | : |   |
|   | : |   |
| Petitioners                                   | : | Petition for Allowance of Appeal from the |
|   | : | Order of the Superior Court               |
| v.  | : |   |
|   | : |   |
| NATIONWIDE MUTUAL INSURANCE<br>COMPANY, INC., | : |   |
|   | : |   |
|   | : |   |
| Respondent                                    | : |   |

**ORDER**

**PER CURIAM**

**AND NOW**, this 19<sup>th</sup> day of August 2009, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner, are:

1. Whether the Superior Court erred in finding waiver of all appellate issues for failing to serve the trial judge with a Statement of Errors Complained Of, pursuant to Appellate Rule 1925(b), when the trial judge's order directing a Statement of Errors to be filed, failed to include language mandated by paragraphs (b) (3) (iii) and (iv) of Appellate Rule 1925 (b)?
2. Whether the Superior Court erred finding a waiver of all appellate issues for failing to provide the trial judge with personal service of the timely-filed Statement of Errors, when [P]etitioners complied with the actual wording of the trial judge Rule 1925(b) Order, which directed [P]etitioners to file the Statement of Errors "with the Court, and a copy with the trial judge," and when the trial judge in fact received the Statement of Errors contemporaneously with its filing?