

**[J-15A-B-2016] [MO: Baer, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.	:	No. 8 WAP 2015
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	:	Appeal from the Order of the Superior
	:	Court entered June 17, 2014 at No.
v.	:	1470 WDA 2012, vacating the
	:	Judgment of the Court of Common
	:	Pleas of Allegheny County entered
LAW FIRM OF MALONE MIDDLEMAN, P.C., AND CANDACE A. EAZOR AND RICHARD EAZOR, AS EXECUTORS OF THE ESTATE OF RICHARD A. EAZOR	:	August 22, 2012 at No. AR 10-007964
	:	and remanding
	:	
	:	
	:	ARGUED: October 6, 2015
APPEAL OF: LAW FIRM OF MALONE MIDDLEMAN, P.C.	:	RESUBMITTED: January 20, 2016
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MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.	:	No. 9 WAP 2015
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	:	Appeal from the Order of the Superior
	:	Court entered June 17, 2014 at No.
v.	:	1484 WDA 2012, vacating the
	:	Judgment of the Court of Common
	:	Pleas of Allegheny County entered
LAW FIRM OF MALONE MIDDLEMAN, P.C., AND CANDACE A. EAZOR AND RICHARD EAZOR, AS EXECUTORS OF THE ESTATE OF RICHARD A. EAZOR	:	August 22, 2012 at No. AR 10-007964
	:	and remanding
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	:	ARGUED: October 6, 2015
APPEAL OF: LAW FIRM OF MALONE MIDDLEMAN, P.C.	:	RESUBMITTED: January 20, 2016
	:	

CONCURRING OPINION

JUSTICE TODD

DECIDED: APRIL 25, 2016

I join the Majority Opinion except for the following point. The majority does not address the dilemma, but I fully agree with the expressions of Chief Justice Saylor

regarding the predicament in which Meyer Darragh finds itself concerning the *quantum meruit* issue. See Concurring Opinion (Saylor, C.J.) at 2-3. Therefore, having prevailed below, and given our admonitions in Lebanon Valley Farmers Bank v. Commonwealth, 83 A.3d 107, 113 (2013), against successful litigants filing protective cross appeals, I would expressly permit Meyer Darragh to file a *nunc pro tunc* cross petition for allowance of appeal within 30 days of our decision herein. Further, I would refer to the Appellate Rules Committee the question of amendments to our appellate rules which account for the impact of Lebanon Valley in the procedural context of this case.