

**[J-45A-2012 and J-45B-2012]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

FATIN ALKHAFAJI, ADMINISTRATOR : No. 38 WAP 2011
C.T.A. OF THE ESTATE OF ABBASS :
ALKHAFJI, DECEASED, INDIVIDUALLY : Appeal from the Order of the Superior
AND AS NATURAL GUARDIAN OF HER : Court entered February 14, 2011 at No.
MINOR CHILDREN, : 287 WDA 2010, reversing the Order of the
: Court of Common Pleas of Lawrence
Appellant : County, entered January 15, 2010 at No. 5
: of 2008 O.C., and remanding.

v. : ARGUED: April 11, 2012

TIAA-CREF INDIVIDUAL AND :
INSTITUTIONAL SERVICES, LLC, :
AHMED ALKHAFAJI, ALLIAH ALKHAFAJI :
AND SHEAMEH ALKHAFAJI-ALDUAISI, :

Appellees

FATIN ALKHAFAJI, ADMINISTRATOR : No. 39 WAP 2011
C.T.A. OF THE ESTATE OF ABBASS :
ALKHAFJI, DECEASED, INDIVIDUALLY : Appeal from the Order of the Superior
AND AS NATURAL GUARDIAN OF HER : Court entered February 14, 2011 at No.
MINOR CHILDREN, : 363 WDA 2010, reversing the Order of the
: Court of Common Pleas of Lawrence
Appellant : County, entered January 15, 2010 at No. 5
: of 2008 O.C., and remanding.

v. : ARGUED: April 11, 2012

TIAA-CREF INDIVIDUAL AND :
INSTITUTIONAL SERVICES, LLC, :
AHMED ALKHAFAJI, ALLIAH ALKHAFAJI :
AND SHEAMEH ALKHAFAJI-ALDUAISI, :

Appellees

ORDER

PER CURIAM

AND NOW, this 17th day of June, 2013, the Court being evenly divided, the Order of the Superior Court is **AFFIRMED**.

Former Justice Orié Melvin did not participate in the decision of this case.

Mr. Justice Saylor files an opinion in support of affirmance in which Mr. Chief Justice Castille joins.

Mr. Justice Eakin files an opinion in support of affirmance in which Mr. Chief Justice Castille joins.

Mr. Justice Baer files an opinion in support of reversal.

Madame Justice Todd files an opinion in support of reversal in which Messrs. Justice Baer and McCaffery join.