

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

B.E.

Appellant

v.

D.N.

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1894 EDA 2013

Appeal from the Order June 17, 2013
In the Court of Common Pleas of Delaware County
Domestic Relations at No(s): 06-13591

BEFORE: FORD ELLIOTT, P.J.E., OTT, J., and STRASSBURGER, J.*

MEMORANDUM BY OTT, J.

FILED APRIL 09, 2014

B.E. ("Mother") appeals from the order dated June 17, 2013, in the Court of Common Pleas of Delaware County, that granted D.N. ("Father") primary physical custody during the school year, with respect to the parties' two children, a son, Ju.N., born in October of 1998, and a daughter, Ja.N., born in August of 2001. We affirm.

The underlying custody matter involves an extensive history over which the Honorable Mary Alice Brennan has presided since January of 2008. The children had resided in Mother's primary physical custody until September of 2010, at which time Ju.N. was nearly twelve years old, and Ja.N. was nine years old, due to the trial court's finding that Mother had

* Retired Senior Judge assigned to the Superior Court.

alienated the children from Father resulting in psychological damage to the children. By order dated September 27, 2010, the court awarded Father primary physical custody and Mother partial custody on alternating weekends, *inter alia*. Eleven months later, in August of 2011, the trial court held a review hearing. By order entered on August 25, 2011, the court awarded Mother primary physical custody and Father "at least 40% physical custody," due to the children's preferences and Mother's alleged progress in therapy. Father filed a notice of appeal, and, on June 25, 2012, this Court vacated the August 25, 2011 order and remanded the matter to the trial court instructing it to render a decision within thirty days applying the provisions of section 5328(a) of the Child Custody Act, 23 Pa.C.S.A. § 5321 *et seq.* ("Act"). **See *B.A.E. v. D.W.N.***, 53 A.3d 939 (Pa. Super. 2012) (unpublished memorandum). On December 5 and 6, 2012, the trial court held an additional evidentiary hearing related to outstanding issues since the August 25, 2011 order, and the subject custody order followed.

In our disposition of Father's appeal, we set forth the relevant findings of the trial court as follows:

Mother and Father, the natural parents of the Children, never married and never cohabited. The Children resided with Mother their entire lives until September 28, 2010, when the trial court awarded primary physical custody to Father upon finding that Mother had disingenuously convinced the Children that Father no longer wanted to see them. At that time, the trial court had found Mother blocked Father's diligent efforts to maintain a relationship with the Children and that Mother had taught the Children both consciously and subconsciously to hate, mistrust, and fear Father, and to rebuff any effort he made at

developing a relationship with them. The trial court further had found that Mother encouraged and allowed the Children to tell their Father they hated him, to refuse to eat his food, to spit on him and kick him, and to be unkind and disrespectful to him in every way.

Also at the time it transferred primary physical custody to Father, the trial court noted that Mother had caused psychological damage to the Children that is, "extremely deep and well-developed and likely permanent." Finding of Fact 7, Trial Court Opinion 11/9/11 (TCO), at 3. The trial court determined that Mother seemed to be completely unaware of the psychological damage she had done to the Children. In addition, the trial court found that Mother had not made any effort to allow the Children to gain independence from her and to start to develop lives of their own.

Mother, who is in her fifties, has lived with her parents in her parents' home for all but twelve months of her life. Mother's mother cooks all the meals and performs all the household chores. Mother has no bedroom of her own. She sleeps on the living room couch and hangs her clothing on the side of a china closet or on a pole hung in the upstairs hallway.

Mother is a trim woman but both children have had problems with obesity. Father took the children to Children's Hospital of Philadelphia in an attempt to control their weight and also put them on diets and increased their physical activity. As a result, both have lost significant amounts of weight. Mother did not support Father's efforts, and the trial court was not surprised to find that Children believe that their Mother is responsible for their weight loss.

At an earlier hearing, the trial court found Mother in contempt and ordered her to get counseling to address her alienation of the Children from Father. Mother refused to comply with the trial court's order until the trial court awarded primary physical custody to Father in September of 2010. After that award, Mother attended thirty-one therapy sessions with Dr. Michelle Marsh starting on September 10, 2010, and running through August 9, 2011.

The trial court determined that since Mother became a regular participant in the therapeutic process, she has focused

more positively on the time the Children spend with her and is less concerned that the Children are having an ongoing relationship with Father. According to the trial court, Mother has learned that co-parenting can work well for the Children. The trial court also found that Mother has begun to realize that her prior anxieties and negative statements about Father have had a serious negative effect on the Children. The trial court found, based on Mother's expressed commitment to keep the Children safe and happy and to do nothing that would interfere with their comfort, that Mother realizes that her prior behavior increased the Children's anxiety. The trial court also found that Mother has demonstrated a willingness to continue counseling in order to stop the behavior that has caused a negative impact on the Children, and to support their growing independence. Both children have expressed a strong preference to move back with Mother and to return to St. Dorothy's School.

B.A.E. v. D.W.N., supra at 1-4.

With this background in mind, the trial court received testimony from the following witnesses at the additional hearing on December 5 and 6, 2012: Steven Cohen, Ph.D., a psychologist who the court appointed in the August 25, 2011 order to provide goal-oriented family therapy; Dr. Michele Marsh, Mother's therapist; Mother; and Father. In addition, the trial court interviewed the Children *in camera* in the presence of the parties' counsel, at which time they were ages fourteen and eleven. At the conclusion of the hearing, the parties requested that the record remain open so they could supplement it with additional evidence, *i.e.*, Our Family Wizard e-mail communications between the parties.

By order dated June 17, 2013, and entered on June 24, 2013, the trial court granted the parties shared legal custody, Father primary physical custody during the school year, and Mother partial physical custody on

alternating weekends. During the summer, the court granted Mother physical custody from the Friday following the last day of school until the end of June. The court granted the parties consecutive two weeks of custody in both July and August, and the court set forth a holiday schedule.

Further, the court directed that the parties participate in eight sessions of goal-oriented counseling with Dr. Steven Cohen, and that the children participate in the sessions if deemed necessary by Dr. Cohen. The court directed that Mother is no longer required to participate in therapy with Dr. Michele Marsh, but may do so if she chooses. In addition, the trial court set forth its consideration of the section 5328(a) factors as directed by this Court in our disposition of Father's appeal.

On July 1, 2013, Mother filed a timely notice of appeal.¹ The trial court issued its Pa.R.A.P. 1925(a) opinion dated August 20, 2013, wherein it incorporated the subject order, which evaluated all of the factors enumerated in section 5328(a).

On appeal, Mother presents the following issues for our review:

¹ Mother did not concurrently file a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b). Consequently, by order dated July 8, 2013, the trial court directed Mother to file the concise statement within twenty-one days, and she timely complied. Because no party claims prejudice as a result of Mother's procedural violation, we will not quash or dismiss her appeal. **See *In re K.T.E.L.***, 983 A.2d 745 (Pa. Super. 2009).

1. Whether the Lower Court erred as a matter of fact and law in concluding that the best interests of the minor children are not served by awarding [Mother] primary custody[?]
2. Whether the Lower Court erred as a matter of fact and law in applying 23 Pa.C.S.A. § 5328(a)(1) and concluding [Father] would be the parent to better encourage continuous and consistent contact with the non-custodial parent[?]
3. Whether the Lower Court erred as a matter of fact and law in applying 23 Pa.C.S.A. § 5328(a)(2) and concluding this factor in favor of [Father][?]
4. Whether the Lower Court erred as a matter of fact and law in applying 23 Pa.C.S.A. § 5328(a)(3) and concluding this factor in favor of [Father][?]
5. Whether the Lower Court erred as a matter of fact and law in applying 23 Pa.C.S.A. § 5328(a)(4) and concluding this factor in favor of [Father][?]
6. Whether the Lower Court erred as a matter of fact and law in applying 23 Pa.C.S.A. § 5328(a)(7) and concluding this factor in favor of [Father][?]
7. Whether the Lower Court erred as a matter of fact and law in applying 23 Pa.C.S.A. § 5328(a)(8) and concluding this factor in favor of [Father][?]
8. Whether the Lower Court erred as a matter of fact and law by failing to consider the children's well[-]reasoned preference to live with [Mother][?]
9. Whether the Lower Court erred as a matter of fact and law in applying 23 Pa.C.S.A. § 5328(a)(9) and (10) and concluding these factors in favor of [Father][?]

Mother's Brief at 6-7.

Our standard of review is well-established:

In reviewing a custody order, our scope is of the broadest type and our standard is abuse of discretion. We must accept findings of the trial court that are supported by competent evidence of record, as our role does not include making independent factual determinations. In addition, with regard to issues of credibility and weight of the evidence, we must defer to

the presiding trial judge who viewed and assessed the witnesses first-hand. However, we are not bound by the trial court's deductions or inferences from its factual findings. Ultimately, the test is whether the trial court's conclusions are unreasonable as shown by the evidence of record. We may reject the conclusions of the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court.

C.R.F., III v. S.E.F., 45 A.3d 441, 443 (Pa. Super. 2012) (citation omitted).

We have stated:

[t]he discretion that a trial court employs in custody matters should be accorded the utmost respect, given the special nature of the proceeding and the lasting impact the result will have on the lives of the parties concerned. Indeed, the knowledge gained by a trial court in observing witnesses in a custody proceeding cannot adequately be imparted to an appellate court by a printed record.

Ketterer v. Seifert, 902 A.2d 533, 540 (Pa. Super. 2006) (quoting **Jackson v. Beck**, 858 A.2d 1250, 1254 (Pa. Super. 2004)).

The primary concern in any custody case is the best interests of the child. "The best-interests standard, decided on a case-by-case basis, considers all factors that legitimately have an effect upon the child's physical, intellectual, moral, and spiritual well[-]being." **Saintz v. Rinker**, 902 A.2d 509, 512 (Pa. Super. 2006), citing **Arnold v. Arnold**, 847 A.2d 674, 677 (Pa. Super. 2004).

Section 5328(a) provides as follows:

§ 5328. Factors to consider when awarding custody.

(a) *Factors.* – In ordering any form of custody, the court shall determine the best interest of the child by considering all

relevant factors, giving weighted consideration to those factors which affect the safety of the child, including the following:

(1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.

(2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.

(3) The parental duties performed by each party on behalf of the child.

(4) The need for stability and continuity in the child's education, family life and community life.

(5) The availability of extended family.

(6) The child's sibling relationships.

(7) The well-reasoned preference of the child, based on the child's maturity and judgment.

(8) The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.

(9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.

(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.

(11) The proximity of the residences of the parties.

(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

(14) The history of drug or alcohol abuse of a party or member of a party's household.

(15) The mental and physical condition of a party or member of a party's household.

(16) Any other relevant factor.

23 Pa.C.S.A. § 5328(a).

On appeal, Mother argues that the trial court erred in its application of section 5328(a)(1), (2), (3), (4), (7), (8), (9) and (10). In essence, Mother disagrees with the court's determinations regarding credibility and the weight of the evidence and seeks to have this Court re-weigh the evidence in her favor. We decline to do so. Rather, we are bound by the credibility and weight of the evidence determinations made by the trial judge.² **See C.R.F., III, supra** (stating "with regard to issues of credibility and weight of the evidence, we must defer to the presiding trial judge who viewed and assessed the witnesses first-hand"). Upon thorough review of the

² In the subject custody order, Judge Brennan stated that "[the trial court] has had the benefit of hearing testimony of the parties and various witnesses over four days of trial in 2009, an additional day of trial on September 2, 2010, an additional day of trial on December 21, 2010, and [an] additional day of trial on August 15, 2011[,] and two days of trial on December 5 and 6, 2012." Order, 6/17/13, at 1.

testimonial evidence, and the trial court's application of the section 5328(a) factors to the evidence, we discern no abuse of discretion.

We observe that, from the August 25, 2011 custody order until this Court vacated the order in June of 2012, the children were returned to Mother's primary physical custody for ten months. By the time of the instant proceedings, the children had been in Father's primary physical custody again for approximately six months. Based on the testimonial evidence at the hearing in December of 2012, the trial court found as follows:

Mother testifies that things are going well right now with co-parenting[.] Father testifies that nothing has changed. The Court finds that Mother's "new" behavior is simply her "old" behavior which she reverted to immediately after re-gaining custody. Mother simply will not or cannot accept Father into the children's lives or accept that the children need to learn independence or that a relationship with their Father is not a betrayal of their relationship with her. Mother's counseling may have resulted in some insight, but not enough to improve the situation or the devastating impact on [Ju.N.] and [Ja.N.]. This court, unfortunately and sadly, can no longer trust that Mother will stop the damaging behavior and must set an order that serves the best interests of the children.

Order, 6/17/13, at 7. The record evidence supports the court's findings, and the court's conclusions are reasonable in light of its findings.

After carefully considering the requisite statutory factors, the trial court found sections 5328(a)(1) and (8), which weighted in favor of Father, were significant in its best interests analysis. With respect to section 5328(a)(1), *i.e.*, which party is more likely to encourage and permit frequent

and continuing contact between the child and another party, the court found as follows, in part:

The children were returned to Mother's custody with an order to participate in goal-oriented family therapy. The Court finds that Mother frustrated that process deliberately and in contempt of the court order. Mother presents in her testimony lip service to her support of Father's role and her encouragement of the children's relationship with Father but her actions continue to belie. Mother's testimony was evasive. Mother continues to enroll the children in her various schemes to keep Father from knowledge of or participation in the children's education, activities and possessions. Mother continues to diminish and marginalize Father's role and Father generally. . . . Mother continues to teach the children, perhaps implicitly, but clearly, to just exist [] with Father, do not cooperate or participate with Father, do not trust Father, do not show Father any love or respect, until a court order determines custody, or, as she believes, returns custody to her where the alienation process can begin again. In addition to all of the foregoing, the most disappointing fact learned at the most recent hearing is that Mother blocked Father's partial custody making it virtually impossible for Father to exercise anything close to the 40% custody time as awarded under the [August 25, 2011] custody order.

Order, 6/17/13, at 2-3. With respect to section 5328(a)(8), *i.e.*, the attempt of a parent to turn the child against the other parent, the court found that "Mother has not only attempted but has been very successful in turning the children against their Father." Order, 6/17/13, at 5. The testimonial evidence supports the court's findings.

Steven Cohen, Ph.D., testified that he was court-appointed pursuant to the August 25, 2011 order to provide goal-oriented therapy. N.T., 12/5/12, at, 14. Dr. Cohen testified that the goals he established for the parties related to co-parenting and communication. *Id.* at 14-15. He testified that

the parties have been active in therapy for a total of only five and one-half months due to not receiving Mother's signed contract and retainer fee until March of 2012, and then, upon the retainer being exhausted at the end of May of 2012, he did not receive the new retainer from Mother until September of 2012. *Id.* at 21-22. Unlike Mother, Father promptly paid his retainer fee. *Id.* at 21. Father was also "very cooperative with scheduling." *Id.* at 21. In contrast, Dr. Cohen testified that Mother was "very difficult to schedule, that she initially was just saying she could only be available on the days that [Father] was working late. . . ." *Id.* at 23-24.

Further, Dr. Cohen testified that, "in the time I have spent with the family so far, I am sorry to say we have not made much progress." *Id.* at 36. His testimony continued on direct examination, in part,

[T]here is a fundamental difference between the parents on the goal of therapy where one parent is saying we should let the kids do what they want, and the other parent is saying we need to co-parent and make decisions about the kids' best interests.

Id. Dr. Cohen explained that, "[t]he father said co-parenting is working with the other parent, working at solutions to help the children do what is in the children's best interest. The mother's response to that was the children should decide what they want to do. . . ." *Id.* at 15. Significantly, Dr. Cohen testified that, "[Mother] is locked into the belief that the kids should be allowed to make their own decisions, that [Father] is the barrier to the kids' [sic] doing well, and[,] if only [Father] would change, everything would be fine." *Id.* at 36.

Dr. Cohen also testified regarding the issues of conflict between the parties, including whether to begin investigating high schools for Ju.N. and having him apply for admission. Ju.N. was then in eighth grade, and the parties agreed he would attend Catholic high school beginning in ninth grade. In addition, Dr. Cohen testified regarding Mother's lack of communication with Father regarding the children. *Id.* at 15-18.

Father testified that Mother blocked him from ever exercising 40% of custody pursuant to the August 25, 2011 order. *Id.* at 288-292. In fact, Father testified that he was never able to arrange a regular custody schedule with Mother. Rather, he had to negotiate a custody schedule with Mother on a month-by-month basis. *Id.* at 292.

With respect to section 5328(a)(1) and (8), Mother asserts the court's finding regarding Mother's continued alienation of the children from Father is not supported by the record evidence based on the testimony of Dr. Michele Marsh, Mother's individual therapist. Dr. Marsh testified Mother continues to engage in therapy, and she has made progress. She testified on direct examination that:

[O]ne of the notable things that has decreased is [Mother's] focus on what [the children] do or don't do when they're with their father. She really is more focused on [the children's] general well[-]being and also on how she's able to help them grow and develop. . . . There's not so much focus on any possible concerns about time they spend with their dad but more on their overall development and how she can assist that.

Id. at 82-83. Dr. Marsh also testified that Mother has progressed in being a positive influence on the children's relationship with Father. **See** *id.* at 83-84.

We reject Mother's argument. The trial court's findings with respect to section 5328(a)(1) and (8) are based on its assessment of all of the witnesses in this case. We will not disturb the custody order to the extent it is based on the court's credibility and weight of the evidence determinations that favored other witnesses over Dr. Marsh.³ **See C.R.F., III, supra.**

Mother further argues that the trial court erred in the weight it placed on section 5328(a)(7), *i.e.*, the well-reasoned preference of the child, based on the child's maturity and judgment. The trial court found, in part, that the children's preference to reside with Mother and return to St. Dorothy's grade school in Mother's school district is, in part, the result of "improper influences and conduct of Mother." Order, 6/17/13, at 5. The court also recognized the children's bond with Mother, their maternal grandparents with whom Mother resides, and their attachment to St. Dorothy's school.

³ Mother also relies on Dr. Marsh's testimony in arguing that the record does not support the court's findings with respect to section 5328(a)(2), *i.e.*, the present and past abuse committed by a party or a member of the party's household. Although the trial court did not find that physical abuse had ever occurred in this case, the court made findings under this section related to Mother's behavior of teaching and/or allowing the children "to hold hatred and contempt" for Father, and the "significant psychological issues" that have resulted for the children. Order, 6/17/13, at 3-4. For the same reasons discussed above, we reject Mother's argument, and we do not disturb the court's findings.

Ja.N., who was then age eleven, testified that she wants to return to St. Dorothy's grade school. N.T., 12/6/12, at 20. She testified she would like to see Mother more, as well as her maternal grandfather. *Id.* at 20-21. Moreover, upon inquiry by the court, Ja.N. testified that, with respect to the custody situation, "I kind of always feel like stuck in the middle." *Id.* at 18. Ja.N. testified, "it's confusing . . . because like I don't know what to do. And I don't know like how to get out of the situation or anything." *Id.* In addition, Ju.N., who was then age fourteen and in eighth grade, testified he would like to return to St. Dorothy's so that he can graduate from that school the following spring of 2013. *Id.* at 29. Upon inquiry by the court, Ju.N. acknowledged that his relationship with Father has improved "somewhat." *Id.* at 66.

We decline to disturb the determination by the trial court with respect to the weight it placed on the children's preference to reside with Mother. ***See C.R.F., III, supra.*** The court was well within its authority not to base its custody decision on the children's preference, but on the record evidence that overwhelmingly demonstrates that Mother continues to behave in a manner that alienates the children from Father and has a negative impact on them.

Further, Mother argues the trial court erred in weighing equally between Mother and Father section 5328(a)(3), *i.e.*, the parental duties performed by each party on behalf of the child. The court found that both

parties are fully capable of daily parenting. However, Mother argues that the record reveals Father does not tend to the children's daily needs; rather, his wife tends to the children's needs.⁴ We disagree.

The testimonial evidence reveals that Father is a police officer whose work shifts alternate weekly from 6:00 a.m. to 2:00 p.m. and from 9:00 a.m. to 5:00 p.m. N.T., 12/6/12, at 144. Father and his wife are separated, and his wife lives three or four miles from his residence. *Id.* at 145. Nevertheless, Father testified on cross-examination that his wife continues to assist him with the children. N.T., 12/5/12, at 338. Father testified that, before leaving for work in the morning, he drives the children to his wife's house from where they walk to school. N.T., 12/6/12, at 145-148. Father meets the children at his wife's house after school, and they eat dinner together either at his wife's house or at his home. *Id.* at 148. We will not disturb the court's custody award based on this testimonial evidence as we conclude it supports the court's findings with respect to section 5328(a)(3).

In addition, Mother argues the court erred in the weight it placed on section 5328(a)(4), *i.e.*, the need for stability and continuity in the child's education, family life and community life. Mother argues that, "[i]t is an abrupt fracture of that stability and continuity [of residing with Mother] by reversing the custody of the children and compelling them to live primarily in

⁴ Father and his wife have one child, a daughter, who is younger than the children involved in this case.

a different neighborhood, attend a different school[,] have a different routine and reside in a different house.” Mother’s brief at 26. We reject Mother’s argument because the children had resided with Father and attended Our Lady of Calvary, his Catholic parish grade school, for eleven months, *i.e.*, from September of 2010 to August of 2011. Further, for approximately six months up to and including the time of the instant proceedings, the children had resided with Father and were attending Our Lady of Calvary school.

Finally, Mother argues the court erred in the weight it placed upon section 5328(a)(9), *i.e.*, which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child’s emotional needs, and section 5328(a)(10), *i.e.*, which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child. Mother argues the court should have weighed these factors in her favor since she has been the primary caretaker of the children for the majority of the children’s lives, and they are more bonded to her than to Father. We reject Mother’s argument.

With respect to section 5328(a)(9) and (10), the trial court found that Mother taught the children “not to trust Father and to resist any/all efforts he made to form a relationship with him.” Order, 6/17/13, at 6. We discern no error by the court in failing to return the children to Mother’s primary physical custody during the school year, when the court found that Mother’s

actions have had a negative impact upon the children and have not advanced their emotional needs.

Moreover, the testimonial evidence reveals that Ju.N. had behavioral problems while attending St. Dorothy's grade school in Mother's primary custody, but he is not having any behavioral problems in Our Lady of Calvary grade school while in Father's primary custody. N.T., 12/5/12, at 303-305, 326. Father testified that the children are doing well academically. *Id.* at 324-325. He testified that Ju.N. has a mark of 77 or 78 in math, and this is the lowest mark out of his subjects. Father testified with respect to his effort to help Ju.N. in the subject of math. *Id.* at 324-325.

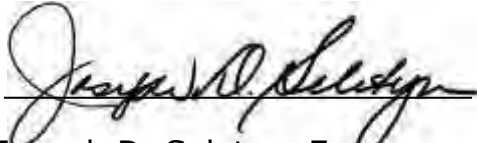
Father testified about the children's weight problem. The children were losing weight until the summer of 2012, when he noticed they gained weight every time they returned from their two-week custody period with Mother. *Id.* at 294-295. Father remembers that Ja.N. gained approximately eleven pounds after returning from a custody period with Mother for approximately twelve or thirteen days. *Id.* at 295-296. Based on this foregoing testimonial evidence, we conclude the trial court did not abuse its discretion in weighing section 5328(a)(9) and (10) in favor of Father.

Upon review of the record, we conclude there is no reason to disturb the custody order. The trial court thoroughly considered the testimonial evidence in light of its long-standing knowledge of this case and made appropriate determinations on credibility and weight of the evidence. The

court applied all of the section 5328(a) factors and determined that the best interest of the children necessitated placing them in the primary physical custody of Father during the school year. The court's findings are supported by the evidence, and its conclusions are reasonable as demonstrated by the evidence. Accordingly, we affirm the order.

Order affirmed.

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: 4/9/2014