

# The Pennsylvania Appellate Case Review

By Daniel J. Siegel, Esquire

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REPORTING DECISIONS THROUGH SEPTEMBER 30, 2018

## PENNSYLVANIA APPEALS COURT OPINIONS

### I. Procedural Law

#### A. *Personal Jurisdiction*

- [\*Murray v. American LaFrance, LLC\*, 2018 PA Super 267 \(Pa. Super., Sept. 25, 2018\)](#)

➤ **Holding:** A business registered as a foreign corporation under 42 Pa.C.S.A. § 5301(a)(2) consents to general personal jurisdiction in Pennsylvania.

#### B. *Appellate Procedure - Mootness*

- [\*American Express Bank, FSB v. Martin\*, 2018 PA Super 244 \(Pa. Super., Sept. 5, 2018\)](#)

➤ **Holding:** As a general rule, if a plaintiff discontinues an action against all defendants before an appeal is filed, the case is rendered moot. However, the discontinuance of a plaintiff's claim does not affect a defendant's right to proceed on a counterclaim.

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C. *Attorney-Client Privilege - Waiver*

□ [Gregury v. Greguras, 2018 PA Super 261 \(Pa. Super., Sept. 20, 2018, en banc\)](#)

➤ **Holding:** A party asserting the attorney-client privilege during discovery pursuant to 42 Pa.C.S. § 5928, may not voluntarily waive the privilege at trial and introduce the communications for her own purposes. Permitting a party to waive the privilege under these circumstances is prejudicial to the opposing party. The court provides a detailed analysis of the issue and a summary of similar cases in other jurisdictions.

II. Substantive Law

C. *Unfair Trade Practices & Consumer Protection Law (UTPCPL) Claims*

□ [Gregg v. Ameriprise Financial, Inc., 2018 PA Super 252 \(Pa. Super., Sept. 12, 2018\)](#)

➤ **Holding:** Deceptive conduct that “creates a likelihood of confusion or of misunderstanding” is actionable under the UTPCPL, 73 P.S. § 201-2(4)(xxi), whether committed intentionally (such as a fraudulent misrepresentation), carelessly (such as a negligent misrepresentation), or with the utmost care (such as in strict liability).

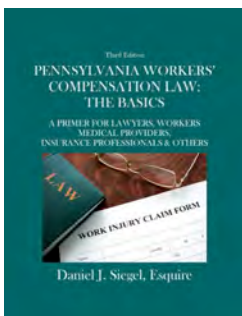
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