STUART ZEIDMAN	:	**COURT OF COMMON PLEAS**
	:	**PHILADELPHIA COUNTY**
v.	:	
	:	**AUGUST TERM, 2007**
ERIN FISHER AND	:	
TROY FISHER	:	**NO. 610**

ORDER

AND NOW, this _____ day of _____, 2008, upon consideration of Defendant, Troy Fisher's Motion for Summary Judgment and Plaintiff's response thereto, it is hereby **ORDERED** and **DECREED** that said Motion is **DENIED**.

BY THE COURT:

_____
J.

CLEARFIELD, KOFSKY & PENNEYS
By: Jeffrey H. Penneys, Esquire **Attorney for Plaintiff**
Identification No.: 76243
One Penn Center at Suburban Station
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PLAINTIFF, STUART ZEIDMAN'S RESPONSE TO DEFENDANT, TROY FISHER'S MOTION FOR SUMMARY JUDGMENT

AND NOW, Plaintiff, Stuart Zeidman by and through his counsel, Jeffrey H. Penneys, hereby responds to Defendant, Troy Fisher's Motion for Summary Judgment, and in support thereof avers as follows:

1-4. It is admitted that Plaintiff's complaint speaks for itself.

5. It is admitted that Exhibit "B" speaks for itself.

UNDISPUTED FACTS

A. How the Accident Occurred

6-8. Admitted.

9-13. It is admitted that Exhibit "C" speaks for itself.

14-15. It is admitted that Exhibit "D" speaks for itself.

16-18. It is admitted that Exhibit "C" speaks for itself.

19. It is admitted that Exhibit "D" speaks for itself.

20. It is admitted that Exhibit "C" speaks for itself.

B. Defendant's Skill Level and Typical Performance

21-23. It is admitted that Exhibit "C" speaks for itself.

C. The Dangers of Golf

24-26. It is admitted that Exhibit "C" speaks for itself.

Summary Judgment Standard

27-31. Admitted.

32. Denied. Denied as a conclusion of law for which no response is required under the Pennsylvania Rules of Civil Procedure.

LEGAL ANALYSIS

A. Defendant Cannot Be Held Liable As Plaintiff Assumed the Risk of His Injuries

33. Denied. Denied as a conclusion of law for which no response is required under the Pennsylvania Rules of Civil Procedure. Strict proof is demanded at the time of trial.

34. Denied. There was no way for Plaintiff to anticipate that Defendant, Troy Fisher, in violation of the PGA Rules, would strike his ball while Plaintiff was in front of him in clear view and in the obvious zone of danger. Strict proof is demanded at the time of trial.

35. Denied. The risk in this case was not obvious, as Plaintiff had no way of anticipating that Defendant, Troy Fisher, would hit his ball while Plaintiff was in the zone of danger. Strict proof is demanded at the time of trial.

36. It is admitted that the Getz case is completely factually distinct from the instant case.

37. It is admitted that the facts of the Taylor case are completely different from the facts of the instant case. Strict proof is demanded at the time of trial.

38. It is admitted that Exhibit "C" speaks for itself.

39. Denied. Denied as a conclusion of law for which no response is required under the Pennsylvania Rules of Civil Procedure. Strict proof is demanded at the time of trial.

B. Summary Judgment in Favor of the Defendant is Appropriate as Defendant Owed No Duty to the Plaintiff

40-41. Admitted.

42-43. Denied. Denied as a conclusion of law for which no response is required under the Pennsylvania Rules of Civil Procedure. Strict proof is demanded at the time of trial.

44. It is admitted that the Getz case is completely factually distinct from the instant case.

45. Denied. Denied as a conclusion of law for which no response is required under the Pennsylvania Rules of Civil Procedure. Strict proof is demanded at the time of trial.

46. Admitted in part, denied in part. It is admitted that the 1941 Walsh case from Connecticut, speaks for itself. It is denied that Walsh dealt with a similar fact pattern. Strict proof is demanded at the time of trial.

47. It is admitted that Walsh speaks for itself, and is factually distinct from the instant case.

48. It is admitted that the 1941 Walsh case from Connecticut, speaks for itself.

49. Denied as stated. Plaintiff was obviously not in an area out of the way; otherwise he would not have been hit. As such, Defendant, Troy Fisher, is not "like the Walsh defendant." Strict proof is demanded at the time of trial.

50-51. Denied. Denied as a conclusion of law for which no response is required under the Pennsylvania Rules of Civil Procedure. Strict proof is demanded at the time of trial.

52. Admitted.

53. Denied. Denied as a conclusion of law for which no response is required under the Pennsylvania Rules of Civil Procedure. Strict proof is demanded at the time of trial.

WHEREFORE, Plaintiff, Stuart Zeidman, respectfully requests that this Honorable Court DENY Defendant Troy Fisher's Motion for Summary Judgment, and allow a trial on the merits.

Respectfully Submitted,

CLEARFIELD, KOFSKY & PENNEYS

BY: _____
JEFFREY H. PENNEYS, ESQUIRE
Attorney for Plaintiff,
Stuart Zeidman

CLEARFIELD, KOFSKY & PENNEYS
By: Jeffrey H. Penneys, Esquire **Attorney for Plaintiff**
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PLAINTIFF, STUART ZEIDMAN'S MEMORANDUM OF LAW IN RESPONSE TO DEFENDANT, TROY FISHER'S MOTION FOR SUMMARY JUDGMENT

I. MATTER BEFORE THE COURT:

Defendant Troy Fisher's Motion for Summary Judgment and Plaintiff's response thereto.

II. STATEMENT OF THE QUESTION INVOLVED:

Is Summary Judgment in favor of Defendant, Troy Fisher, appropriate?

Suggested Answer: No.

III. FACTS:

Plaintiff, Stuart Zeidman, filed the instant action against Erin Fisher and Troy Fisher seeking damages as a result of a golfing accident. On or about June 15, 2007, Plaintiff, Stuart Zeidman and Defendant, Troy Fisher, were part of a group who were golfing at The Springfield Country Club, located in Springfield, Pennsylvania. When the parties reached the 17th tee box, Plaintiff volunteered to check the 17th green to ensure that there were no individuals who may potentially get struck by balls hit from his group. As such, Mr. Zeidman took the initiative of driving on the paved cart path, in full view of Troy Fisher, a golf cart to the crest of the 17th hole to see if the coast was clear. When it

was determined that the coast was in fact clear, Plaintiff, Stuart Zeidman attempted to drive the aforesaid golf cart back to his group on the paved cart path, in full view of Defendant, Troy Fisher. At that time, Defendant, Troy Fisher, suddenly and without warning, and with reckless disregard for the safety of Plaintiff and in violation of various USGA rules, swung at his golf ball, driving said ball into the Plaintiff's left cheek at a very high velocity.

In sum, prior to hitting his ball, Defendant had a clear view of Plaintiff, but proceeded to hit his ball, without warning, towards Plaintiff, seriously injuring him.

IV. LEGAL ANALYSIS

A. Summary Judgment Standard

Pennsylvania Rule of Civil Procedure 1035(b) sets forth the standards governing summary judgment as follows:

> "The judgment sought shall be rendered if the pleadings, depositions, answers to interrogatories and admissions on file together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."

In adhering to this standard, the Pennsylvania courts have adopted the following guidelines:

It is not the Court's function to decide issues of fact, but solely to determine whether there is an issue of fact to be tried. Wilk v. Hous, 313 Pa. Super. 479, 482, 460 A.2d 288, 290 (1983); Tom Morello Construction Co., Inc. v. Bridgeport Federal Savings and Loan Assoc., 280 Pa. Super. 329, 421 A.2d 747; Callender v. Goodyear Tire and Rubbert Co., 387 Pa. Super. 283, 564 A.2d 180, 183 (1989). Kerns v. Methodist

Hospital, 393 Pa. Super. 533, 574 A.2d 1068 (1990); Granthum v. Textile Machine Works, 230 Pa. Super. 199, 326 A.2d 449 (1974).

The Court is precluded from assessing and weighing testimony during its consideration of Motions for Summary Judgment. Troy v. Kamp Grounds of America, Inc., 399 Pa. Super. 41, 581 A.2d 665 (1990). Movant has the burden of demonstrating clearly that there is no genuine issue as to any material fact. Marroquin v. Mutual Benefit Insurance Co., 404 Pa. Super. 441, 591 A.2d 290 (1991).

The Court must consider both the record actually presented and the record potentially possible at the time of trial. Marroquin, supra. A party should not be deprived of an adequate opportunity to fully develop his case by trial, when the issues involved make such procedure the appropriate one. It is often the case that although the basic facts are not in dispute, the inferences to be drawn from these facts may differ. Marroquin, supra.

The Court must accept as true all well pleaded facts in the non-moving party's pleadings, and give to him or her benefit of all reasonable inferences to be drawn therefrom. Jefferson v. State Farm Insurance, 380 Pa. Super. 167, 551 A.2d 283 (1988); Marroquin, supra.

All doubts as to the existence of a genuine issue of material fact are to be resolved against a grant of summary judgment. Penn Center House, Inc. v. Hoffman, 520 Pa. 171, 176, 553 A.2d 900 (1989); Marroquin, supra. Summary judgment will not be entered unless the case is clear and free from doubt. Hathi v. Krewstown Park Apartments, 385 Pa. Super. 613, 561 A.2d 1261 (1989).

Because an Order favorable to the moving party will prematurely end an action, summary judgment is only appropriate in the clearest of cases. Skipworth v. Lead Industries, Inc., 547 Pa. 224, 690 A.2d 169 (1997).

In Ertel v. Patriot-News Co., 544 Pa. 93, 674 A.2d 1038 (1996) rearg. den., 117 S.Ct. 512, the Pennsylvania Supreme Court held that in order to defeat a Motion for Summary Judgment, Plaintiff must show sufficient evidence on any issue essential to his case and in which he bears the burden of proof such that a jury could return a verdict in his favor. Id., 674 A.2d at 1042.

B. PLAINTIFF DID NOT ASSUME THE RISK OF HIS INJURIES, DEFENDANT WAS CLEARLY NEGLIGENT, AND THE MOTION FOR SUMMARY JUDGMENT SHOULD BE DENIED.

In the case at bar, it appears that Defendant's demand for summary judgment is based upon his contention that the undisputed facts somehow demonstrate that Plaintiff assumed the risk of any injuries which he sustained. Defendant also argues, in conclusory form, that he was not himself negligent with regard to the happening of the incident which caused Plaintiff, Stuart Zeidman, to be injured. However, because 1) the record does not support Defendant's assumption of the risk defense; and 2) the evidence adduced to date in this case would support a verdict in favor of Plaintiff in the case based upon Defendant's negligence, Defendant's Motion for Summary Judgment must be denied.

The case at bar, while somewhat unique in its factual underpinnings, requires an analysis of the same negligence standards as would be at issue in a more typical negligence claim. It is hornbook law that Defendant may be deemed negligent, and therefore liable to Plaintiff for his injuries and damages, if he failed to exercise the

ordinary care that a reasonably prudent person would use in the same or similar circumstances. Martin v. Evans, 711 A.2d 458, 461 (Pa. 1998), *citing* Lanni v. Pennsylvania R. Co., 88 A.2d 887 (Pa. 1952); *See also* Pa. SSJI (Civ) 3.01. As described in the Pennsylvania Suggested Standard Jury Instructions, "negligence is the failure to do something that a reasonably careful person would do, or doing something that a reasonably careful persons would not do, in light of all the surrounding circumstances established by the evidence in [the] case." The care employed by a reasonable man must be proportionate to the danger of the activity. *See, e.g.*, Stewart v. Motts, 654 A.2d 535 (Pa. 1995).

Accordingly, Defendant, Troy Fisher, must be held to a standard of care consistent with the risk of injury inherent in striking a golf ball towards another golfer who is within range and located in an area where he is clearly visible and in front of (as opposed to behind, where there may not be negligence) the golfer. Certainly, Defendant's affirmative action in taking his shot from the tee - without advising Plaintiff, who had unknowingly wandered into a zone of danger under the belief that Defendant would wait for him to rejoin the group – constituted negligence, or, for the purposes of Defendant's pending Motion for Summary Judgment, would warrant a finding of negligence by the fact finder as Defendant's act was inconsistent with the way a reasonably careful person would behave. Accordingly, Defendant's Motion must be denied.

The case of Getz v. Freed**,** 105 A.2d 102 (Pa. 1954) is on point. In Getz, the Supreme Court of Pennsylvania upheld an award against a golfer who hit a third ball from the tee without warning the other players in his party, who were on the fairway helping to search for the Defendant's first ball. As in the instant case, the Plaintiff in

Getz was struck in the head and sustained serious injuries as a result of the Defendant's negligence. Id. While conceding that a person who plays golf assumes some risks of the game, the Supreme Court in Getz held that "it is the duty of every player to give timely and adequate warning-usually by the word "fore"- of a shot which he is about to make, either on the same hole or on a different hole." Id. The Getz Court also confirmed that the Plaintiff could not be deemed contributorily negligent or to have assumed the risk of injury since he did not have *actual knowledge* of the fact that Defendant was going to take another shot while he was in the zone of danger.[1]

The situation in Getz was similar to that which gave rise to the instant litigation. Like the Plaintiff in Getz, Mr. Zeidman was injured by Defendant's ball while he was in clear view of the tee from which Defendant drove his ball. Also, like the situation in Getz, Plaintiff was in an area in which he should have been easily noticed by Defendant before Defendant hit his ball. Indeed, Defendant testified that Plaintiff was in clear view at all times:

Q: When you hit your tee shot, was Stuart in clear view?

A: Yes.

Q: Before you hit your tee shot, let's say, as you were addressing the ball, was Stuart in your clear view?

---

[1] The issue off assumption of the risk is in question in this case given the Pennsylvania Supreme Court's decision in Rutter vs. Northeastern Beaver County School District, 437 A.2d 1198 (Pa. 1981). Moreover, as Plaintiff reasonably assumed that defendant would wait for him to rejoin the party, and did not know that the defendant was taking his shot cannot be said to have "voluntarily proceeded to encounter a known or obvious danger thereby having agreed to accept the risk and to undertake to look out for himself." Carrender v. Fitterer, 469 A.2d 120 (Pa.1983).

A: Before I addressed the golf ball, and prepared to hit, he was in view. Once I prepared to hit the shot, I was focusing at the task at hand.

Q: At any time, did Stuart disappear from your view? And this is from when you addressed the ball until you swung at the ball…Did you see him travel somewhere where you couldn't see him anymore?

A: No.

Q: So if you looked at any point from where you addressed the ball until you hit the ball Stuart – you would have seen Stuart?

A: Yes.

(See deposition of Defendant, Troy Fisher, pages 40-41).

Finally, Plaintiff in the instant case cannot be said to have had actual knowledge of the fact that Defendant was about to hit a ball from the tee and therefore cannot be said to have assumed the risk of injury which he suffered. As Defendant stood at the tee, holding his golf club and about to strike his ball while Plaintiff was in clear view, he did not behave as a reasonably prudent person would behave under similar circumstances.

Under the circumstances, "the evidence is such that a reasonable jury could return a verdict for [Plaintiff,] the non-moving party," and Defendant's Motion for Summary Judgment must therefore fail as a matter of law. Anderson, 477 U.S. at 248.

The case of Brosko v. Hetherington, 16 D&C 761 (1931) is also instructive. While Brosko was a Common Pleas decision, the outcome of a case involving an injury caused by a golf ball is heavily dependant upon the exact circumstances under which such injury occurs. The analysis in Brosko is consistent with the Supreme Court's

decision in Getz, and is applicable to the circumstances under which Plaintiff, Stuart Zeidman, was injured.

In Brosko, the minor Plaintiff-caddie was struck in the eye by a golfer who was part of his golfing party and who was found to have been negligent in the manner in which he hit the ball, and for failing to give a warning before doing so. In upholding the jury's decision, the Court noted that:

> Golf, from its very nature, is a game requiring some skill. It must be remembered that the driver or brassie is a club with a long handle and a solid wooden head reinforced and weighted with lead; the golf ball is a small ball of tightly wound rubber, covered with guttapercha, and is so constructed that it attains a terrific velocity upon being struck. **It is readily seen that a player, when striking the ball, sets in motion certain forces which are capable of causing great damage if improperly directed**….It must be conceded that the game of golf is no different from any other game or occupation in which man puts in motion a force likely to cause injury, and that if he intentionally puts such a force in motion, he must use ordinary care to put it properly in motion and in a direction in which it will cause no injury to another. A clear analogy can be drawn between such a case and that of a man who attempts to operate a motor vehicle on the public highway without having sufficient knowledge of or skill in the manner of operation and who fails to properly direct its course.
>
> While it is true that the sporting element in the game is to some extent its uncertainty, yet this is a factor among the players themselves and does not comprehend that a player can be so poor, so unskilled and so careless about his manner of addressing and striking a golf ball as to be entirely unable to control or to fail to control its movement or direction and so jeopardize the life or limbs of people who are lawfully upon the golf course, as the minor plaintiff was. **This case is in no degree different from that in which a man shooting a rifle at a target seeks to direct the bullet at the target merely by placing the gun to his shoulder and pulling the trigger without first being careful to sight the gun at the target**.
>
> * * *
>
> As to the second question involved, in considering whether or not

the defendant was negligent in failing to give warning, the defendant contends that, if the plaintiff relies upon the theory that the ball was improperly struck, there was no necessity of a warning being given. That is fallacious for the reason that **had the warning been given, the minor plaintiff's attention would have been attracted to the defendant's driving and would have so enabled him to protect himself by dodging when the ball came in his direction, or moved out of danger**. But the plaintiff counters by contending that not only was the defendant negligent in striking the ball improperly, but he was guilty of further negligence in failing to give a warning which would have permitted the minor plaintiff to protect himself from injury.

The thought is advanced that the slicing of a golf ball is a matter of common occurrence, and the fact that the defendant sliced is, therefore, no negligence; that it is unnecessary for the player to give any warning of his intention to play, for everybody around the tee knows the assembled players are about to drive off, and that the caddies there assembled, including the minor plaintiff, knew of the custom. Such a contention is unwarranted. There is no evidence that the minor plaintiff knew this, and there is evidence that this was the first time he had ever caddied, and the injury was received as the ball was being driven from the first tee. **On the contrary, if, for the sake of argument, we take the defendant's contention that slicing, such as this, is a common occurrence, it must certainly follow that the defendant must have anticipated his slice as a strong possibility, and, therefore, it became his duty to observe if anyone was in the area in which his ball would traverse if sliced and to warn anyone in that area in order that they might seek a place of safety and be prepared to protect themselves in the event the ball came in their direction. It cannot be said that it was unnecessary for the defendant to give warning of his intention to play, because everyone around the tee knew that this would be done, for the reason that the minor plaintiff was engaged as a caddy and had just watched the course of his employer's ball, marked its location, and was just turning toward the tee to watch for the next drive when the defendant's ball struck him. Had the defendant given a warning, the minor plaintiff would have been in a position to turn away from the direction of the ball or fall to the ground or protect himself insome other manner**. The defendant contends that by giving warning, notice would only have been given to the minor plaintiff the information which he already knew. This is palpably incorrect for, though the minor plaintiff knew the other players would drive, he certainly could not know at what exact second the drive would be made. Under the defendant's own theory, if the slicing of the ball is a

> common occurrence, it was his duty to give warning of his intended drive, and the failure to give a warning caused this injury to the minor plaintiff. Id. (emphasis added).

Applying the reasoning of Brosko to the case at bar, it is apparent that Plaintiff's injury was preventable had Defendant exercised reasonable care before hitting his shot. Because the evidence would permit a finding that Defendant did not exercise reasonable care, Defendant is not entitled to summary judgment as a matter of law.

Here, the Plaintiff and Defendant were part of the same golf party. When Plaintiff was injured, Defendant was taking his shot from the tee. Plaintiff was not, in fact, aware that Defendant was taking a shot from the tee. Plaintiff was in clear view of the tee when Defendant hit his drive. Nothing about any of the cases cited by defendant warrant or support Defendant's request for summary judgment instantly.

Boynton v. Ryan, 257 F.2d 70 (3d Cir 1958), cited by Defendant in support of his Motion for Summary Judgment, is also not controlling. In Boynton, the Court entered a directed verdict against the Plaintiff who was injured after he expressly acknowledged the presence of a threesome which was following his group on the course - one of whom was the Defendant - and "waived them through" to golf on the seventh hole while he ducked into foliage. In fact, the Boynton decision expressly noted the obvious distinction between cases such as Getz and Brosko, *supra*, in which a Defendant drives a shot in the direction of an individual "situated in a possible path of an impending shot of which he was unaware," and those cases in which the Plaintiff was either aware that Defendant is driving a ball or in which the Defendant proceeds to take a shot down an apparently clear fairway but slices a ball in the direction of an individual not directly in the zone of danger. Id. As described above, review of the circumstances giving rise to Plaintiff's

claim in the case at bar confirms that it is more analogous to the Getz case than it is to Boynton.

Finally, Defendant cites the case of Taylor v. Churchill Valley Country Club, 228 A.2d 768 (Pa. 1967) in support of his Motion for Summary Judgment. However, the Taylor case involved a claim by a caddie against the country club where he caddied for failing to erect netting or other protective equipment after he knowingly and intentionally positioned himself in an area ahead of the party which he was serving, directly "in the line of fire" of golf balls be hit by the golfers in his party. Id. Accordingly, the facts at issue in Taylor did not require an evaluation as to whether another golfer was negligent in driving a ball in the direction of another golfer but whether the entity which controlled the course was negligent in the safety apparatus employed. Moreover, the Plaintiff in Taylor expressly testified that he "knew and accepted" the risk the risk of injury in what he was doing and, therefore could not recover. Id. Taylor adds nothing to the analysis as to whether Defendant can be deemed negligent or whether he is entitled to judgment as a matter of law.

Here, Plaintiff did not intentionally or carelessly walk ahead of or stand within the orbit of the shot of a person playing behind him, and defendant, Troy Fisher, did not give an adequate and timely warning of a shot he was about to make and which he has reasonable grounds to believe may strike another player. Defendant has testified that he had no reasonable grounds to believe the Plaintiff would be hit, but why would he ask Plaintiff to "scout" the hole to make sure the group in front was out of harm's way? Is defendant saying that the group at the green was in more danger than the Plaintiff, who

was MUCH closer to the tee box? If Defendant honestly thought that the group in front was in danger, how can he say that Plaintiff was not?

In Wikert v. Kleppick, 1990 Pa. Dist. & Cnty. Dec. LEXIS 157; 8 Pa. D. & C. 4th 193 (1990), the Court stated as follows:

> A participant does not assume the risk of injury from fellow players acting in an unexpected or unsportsmanlike way with a reckless lack of concern for others participating. Id. at 197.

Here, there was no way for Plaintiff to expect that Defendant would hit his ball when Plaintiff was in clear view, on his way back to rejoin the group, after the Defendant himself asked Plaintiff to "scout" the hole in question.

V. CONCLUSION

In this case, the Defendant knew or should have known that there was a tremendous risk of harming another person by hitting a ball in the direction of such person without giving that person an adequate opportunity to leave the area or to provide him with an adequate warning. Of course, yelling a warning as Defendant claims he did, the instant before the Plaintiff was struck by a ball does not constitute fair warning. Likewise, hitting a ball onto the fairway, when he saw Plaintiff in clear view within the zone of danger, simply cannot be deemed to constitute due care. The record confirms that Defendant did not behave as a reasonably prudent person would behave under the circumstances and that a jury or fact finder could easily find in favor of Plaintiff on his claims.

For the foregoing reasons, Defendant's Motion for Summary Judgment must be denied.

Respectfully Submitted,

CLEARFIELD, KOFSKY & PENNEYS

BY: _____
JEFFREY H. PENNEYS, ESQUIRE
Attorney for Plaintiff,
Stuart Zeidman

CLEARFIELD, KOFSKY & PENNEYS
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CERTIFICATE OF SERVICE

Jeffrey H. Penneys, Esquire, being duly sworn and according to law hereby certifies that a true and correct copy of Plaintiff, Stuart Zeidman's Response to Defendant Troy Fisher's Motion for Summary Judgment was forwarded to counsel on the below listed date, sent by first class mail, postage paid.

Walter J. Timby, III, Esquire
Margolis Edelstein
The Curtis Center, Fourth Floor
Independence Square West
Philadelphia, PA 19106

DATE:_____

_____
Jeffrey H. Penneys, Esquire
Attorney for Plaintiff,
Stuart Zeidman

VERIFICATION

I, JEFFREY H. PENNEYS, ESQUIRE, hereby verify that I am the attorney for Plaintiff in the foregoing pleading, and that the facts set forth herein are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are subject to the penalties of Title 18 Pa. C.S.A. Section 4904 relating to unsworn falsifications to authorities.

CLEARFIELD, KOFSKY & PENNEYS

_____

JEFFREY H. PENNEYS, ESQUIRE
Attorney for Plaintiff, Stuart Zeidman