



Bench/Bar Conference Moving to Lakeview in 2003

After spending four years at The Wisp in Deep Creek, Maryland, the Bench/Bar Conference of the Westmoreland Bar Association is relocating to the Lakeview Scanticon Resort and Conference Center. Located on scenic Cheat Lake in Morgantown, W.Va., Lakeview Scanticon will host the WBA Bench/Bar Conference June 12-14, 2003.

The move comes as the result of a June 2002 survey of WBA members by the Bench/Bar Committee. The majority of respondents indicated that a new location, schedule and activities would improve the Bench/Bar Conference and make them more likely to attend in the future.

As such, the committee is seeking suggestions for alternate activities to offer attendees. Contact The Hon. Alfred B. Bell or Henry L. Moore, Bench/Bar Committee Co-Chairs, with your ideas. Some activities that are available in the Cheat Lake area combine adventure, sightseeing, history and entertainment.

WHITEWATER RAFTING ON THE CHEAT RIVER

This five-hour trip departs around 8:30 a.m., costs approximately \$50 and includes lunch.

RAIL-TO-TRAIL BIKE OUTING

Within 15 minutes of Lakeview is a rail-to-trail bike path that offers a 30-mile round-trip expedition to Arthurdale, W.Va., billed as "our nation's first



▲ The spa facilities at Lakeview Scanticon Resort and Conference Center.



▲ Lakeview's condominium accommodations.

New Deal Homestead." This 1930s-era community is the first of three Franklin Delano Roosevelt communal projects.

SIGHTSEEING/WINE TASTING

Sightseeing is available by bus to Fallingwater and to the Clay Winery for a tour of both. Lunch would be provided at the winery and cost would be about \$50 per person.

BUS TRIP TO PRICKETT'S FORT AND ARTHURDALE

A bus trip to Prickett's Fort and Arthurdale may also be offered. The original fort, built in 1774, provided a place of refuge from Indian attack for early settlers to the area. Now a state park, the site also includes the Job Prickett House, c. 1859, listed on the National Register of Historical Places. You will see costumed artisans at work weaving, blacksmithing, cooking, and building muzzleloader firearms. The tour would then proceed to the site in Arthurdale with lunch provided.

Mark your calendars now and join us at the Lakeview in June.

President's Message

Golf, Mentoring and Other Needful Things

by Timothy J. Geary, Esq.

I had forgotten how much of a hemorrhoid an editor could be until I started crowding up on my deadline for this message. However, the point is that I promised to deliver eight meaningful president's messages on time and here I was facing the dreaded "writer's block." I mean, I hadn't felt this much pressure since the time I was stuck on an elevator with six old ladies and the seven beers and the



greasy pizza I had consumed the night before all at once decided to "rumble." My salvation came at the quarterly meeting of the Westmoreland Academy of Trial Lawyers.

Tim McCormick sat with me and since he had played golf in the afternoon he mentioned that one of the things our Bar Association is lacking is the crowning of an annual golf champion. Tim went on to comment that humility prevented him from telling us who he thought would win but such a tournament would certainly be fun and would engender camaraderie.

Well the day before the Academy meeting my partner, my son and I played at Oakmont Country Club with my brother-in-law, Ben Lear, who is a long-time member at Oakmont and who, at least once a year, allows me to sample the good life. Actually taking a poor golfer like me to the revered course at Oakmont is similar to a jeweler

trying to polish dog dirt or a chemist trying to make a silk purse out of a sow's ear. I believe that all of my former golf instructors are still in therapy. In fact, my partner, Larry Loperfido, told my son that the hardest part of playing golf with me is saying "Nice shot, Tim," about 110 times each round. The mantra that my golfing partners always sing is "he ain't heavy."

In any event, Tim's comment about a golf tournament was like a brain explosion and words started flowing. Whether or not those

words are meaningful is yet to be determined but in a flash, I saw a message writing itself in my brain and I asked Rabe Marsh, the current Academy president, for the floor. I made a motion (which passed unanimously) for

the Academy to front \$500.00 (assuming the WBA would do likewise) as seed money for a golf tournament, hopefully an annual one, to determine the WBA golf champions. I use the plural here because I think we need three. A male low gross, a female low gross and one par-quota champion (because a par-quota allows everyone who golfs to have a legitimate shot at winning so long as he or she has a handicap). The proceeds of the tournament would then go to the Bar Foundation.

Now in a separate vein, most of you are aware that this Irishman has been harping about the image of lawyers since I was handed this bully pulpit. My prior messages have dealt with the external image of lawyers but we also have to consider how we appear to other lawyers as well, i.e., the internal image of lawyers. I mean, how can we really expect to upgrade our external image if we have a poor internal image of one another? I think the answer is mentoring. Certainly this is not a new concept and has been tried in

many formats over the 27 years that I have been a member of the WBA. For reasons that I cannot fathom, it has not taken hold.

I bring this up now because the Academy spent most of the program time at

its meeting discussing this very issue. I cannot emphasize enough to the younger lawyers that these wizened veterans are willing to help you. It is like the New Testament suggestion "Seek and ye shall find." When I was a new lawyer I had a municipal issue that I couldn't resolve and the suggestion was made that I call Joe Ceraso, who, although now long retired, then had an office in Vandergrift. Joe was a curmudgeon and I really didn't think it was such

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If we like and respect one another, our ability to change our external image has to improve.

Remembering John M. Noel

by David W. Cook, Esq.

One of the pleasures of practicing law was the opportunity to see John Noel frequently. We served on many WBA committees together and I became secretary when John retired from that position.



▲ John and Emmy Lou Noel

Frank Steiner and John got the WBA through some “growing pains.” I also saw John frequently in activities at First Presbyterian Church in

Greensburg where we served together as Deacons, Trustees and Elders.

John had a ready wit and a dry sense of humor. I recall one of the young ladies in the Recorder of Deeds Office questioned John as to why he had not been at some affair at the Greensburg Cathedral, as she knew he must be Catholic. John inquired why she assumed he was Roman Catholic and she said because of the large number of his children. John smiled and quietly said he was not a Roman Catholic, but a Prolific Presbyterian.

Although John and his family moved from Vandergrift to Greensburg about 1946, he continued his main office in Vandergrift where both his father and brother had been practicing attorneys. Although he also had an office in Greensburg he traveled to Vandergrift at least three times

weekly and, in later years, four times weekly, from 1946 until his retirement in 1996—a period of fifty years. I estimate he made that trip more than ten thousand times in all types of weather.

Perhaps the reflections of his long-time secretary and friend, Jean Holmes, best tell us of John and what he meant to us and the legal profession.

A TRIBUTE TO A BOSS

by Jean Holmes

June 1, 1954, was a happy, but very nervous, day for me—the day I embarked on a long, interesting and rewarding career as the secretary to Attorney John M. Noel. Fresh out of high school, barely knowing the difference between a Will and a Deed, or a

plaintiff and defendant, he was willing to take a chance on me.

John was a man of quiet reserve, demeanor and judicial temperament. I likened him to E.F. Hutton: when he spoke, people listened! Clients described him as kind, fair, trusting, calm, caring, conscientious and, of course, I know all of these attributes are accurate. He had the respect of his colleagues; many called upon him for his opinion and advice.

John was a patient, careful and understanding mentor. He always encouraged me in my work, and taught me well, which has enabled me to serve as power of attorney for numerous people, and as executrix for several estates.

August 15, 1996, was a sad day for me—the day John told me he was planning to retire in December.

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Since 1991, the Westmoreland Bar Foundation has raised thousands of dollars to assist the poor, disabled, elderly and children in our community. Through the **Memorial Program**, you can honor a colleague or loved one with a contribution to the Foundation. Your gift will help serve the needs of our own who have nowhere else to turn for legal services.

If you would like to make a gift to the Foundation as a meaningful expression of respect, please make check payable to the Westmoreland Bar Foundation and mail to WBA Headquarters, 129 N. Pennsylvania Ave., Greensburg, PA 15601-2311.



Remembering Robert H. Kutz

by George H. Love, Jr., Esq.

Bob Kutz and I graduated from Duquesne University School of Law in 1973. As graduates of the evening division, we didn't



▲
Robert H. Kutz

have a lot of time to socialize since we worked full-time, commuted to school, studied and tried to find time for our families. Strong friendships were formed and Bob was my good friend. We were all proud of graduating from Duquesne Law School, surviving the 50% mortality for evening students and we all loved Duquesne for giving us the opportunity to go to law school in the evening. Bob and I

kept in touch after law school and he was always available to help me out on any legal question I had.

We had dinner together at the Bench/Bar Conference on June 14 where Bob was the grand prize winner of the TV donated by Lawyers Abstract. We talked about many things that night, how we ran into each other in 1985 in Barbados, how we spent the night in the Royal Chamber of the Great Pyramid at Giza. After dinner, we went over to the BarFlies musical together. I saw him the next morning at breakfast, but I didn't get a chance to say goodbye.

After I retired from government, Bob was helpful to me in starting my private legal practice. I have lost a good friend and we have all lost a very knowledgeable and skilled practitioner of the law.

President's Message

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a good idea to call, but I did. As soon as I did my initial thought was "this was really a bad idea" because Joe ranted for a while and yelled for a while but then not only did he give me an answer but he called back later and gave me additional cases and suggestions. Under his gruff exterior he had a heart of gold and over the years there were many times when he helped me.

The point is this—that I don't know when a young lawyer needs help, nor for obvious reasons do any of the other members of the Academy or any other of the more experienced members of the Bar. It is therefore up to the newer members of the bar to tell us how we can assist you. I need your feedback. I have lawyers with experience in every area of the law ready, WILLING and able to offer guidance and wisdom. No one is knocking at the door. If you do a better job for your clients it impacts favorably upon us all. If we like and respect one another our ability to change our external image has to improve. I am waiting for the phone to ring!

Remembering John Noel

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I was rather expecting it, for I knew of his health problems.

John was a tremendous, very important part of my life. He was interested in my various activities, and was there for me through some difficult times. He always knew just what to say or do. I took advantage of his broad shoulders and his listening ears! He always treated me with respect

and kindness. It was my pleasure to go to the office each day, and to work for him and with him, and if I could do it all over again, I would.

June 4, 2002, was a painfully sad day for me—the day when John's body could no longer withstand the ravages of ill health. I've lost a dear friend. I will forever remember him, and will forever miss him.

IN MEMORIAM

Dorothy B. Mosier, who was the Westmoreland County Law Library's Clerk for 15 years, passed away on August 10, 2002. Dorothy was always kind and helpful to the WBA members using the Law Library. She is survived by three daughters, Wendi Mosier, Joy Dawn Dubinsky and Barbara F. Mosier, all of Rostraver Township; two grandchildren and a brother, John Gira and wife, Marge, of Monessen. We express our sorrow at her passing; she will be missed.

One Nation Under God

by Francis R. Murrman, Esq.

Most of us searched for answers whenever we heard about the 9th Circuit Court's opinion in *Newdow v. U.S. Congress* proscribing the reference to "under God" in the



▲ Francis R. Murrman

Pledge of Allegiance. As an individual who believes that the loss of religious virtues undeniably contributes to society's most serious problems (i.e., disrespect for one's temple and consequently disrespect for others), I felt particularly wounded and disturbed by the opinion.

I have never believed that statements such as "under God," "In God We Trust," and similar

phrases endorse any particular religion or advocate religion. Although the First Amendment's Establishment Clause prohibits the state from establishing religion, I cannot comprehend that the clause was ever intended to be interpreted as an "anti-religion clause." In support of my declaration, I direct your attention to some of the nation's greatest documents and greatest institutions. For instance, the Declaration of Independence reads in part as follows:

... the Laws of Nature and of Nature's God ...
 ... endowed by their Creator ...
 ... with a firm reliance on the Protection of Divine Providence ...

The Supreme Court opens each of its sessions with the phrase: "God save the United States and this Honorable Court."

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One Nation Under _____

(Fill In the Deity of Your Choice)

by David J. Millstein, Esq.

Ever since the decision of the 9th Circuit earlier this summer, it's a hot topic, this business of mentioning God in the Pledge of Allegiance. Many people think that the reference to God is both appropriate, patriotic, and at a minimum, does no harm. Many others prefer the opposite and far more correct choice. I am one of those.

The dispute arises, of course, from the language of the Establishment Clause, part of the First Amendment, "Congress shall make no law respecting an establishment of religion." No one really disputes that the purpose of the Establishment Clause was to assure that government never would have the power to demonstrate a preference for any one religion or, in fact, the presence or complete absence of religion in the lives of its citizens. I assume most everyone is familiar with the historical perspective that made this such a hot button item for the Founding Fathers.

Since 1791, more litigation has probably been filed over the Establishment Clause than any other provision in the Bill of Rights, including such matters as tax based support for religious schools, prayer in the classroom or graduation services, and most recently, school vouchers. By and large, these cases have hinged on whether or not the legislation in question is primarily intended to promote, inhibit or endorse religion of any kind.

Now you tell me, can Congressionally enacted legislation requiring the mention of God in the Pledge of Allegiance be anything other than a clear statement that a belief in God is the preferred governmental view? That's not a toughy.

I am the first to admit however that adherence to the First Amendment does require a bit of intellectual discipline. If experience has taught us anything

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▲ David J. Millstein

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One Nation Under God + One Nation Under

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Hopefully, upon further review, a more reasoned and sound approach will be forthcoming from the Supreme Court which has previously upheld the statement “In God We Trust” on our currency. The decision of the 9th Circuit Court clearly shows how perverted interpretations may become if a reasoned and sound approach is not pursued by the judiciary.

For many of us, the 9th Circuit Court’s opinion struck at the very essence of our personal and national existence. The decision cannot be overturned soon enough. Until such time, I can only respond by stating: “May GOD guide this Commonwealth and the United States of America in the endless struggle for the right and the just.”

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it is that many folk have a knee jerk reaction to such decisions and firmly believe that the court is depriving them of their choice of deity. As an instructive aside, Sigmund Freud was of the opinion that anti-Semitism has its roots in the primitive anger that many pagans felt against the Jews for foisting monotheism upon them and thus depriving them of their many beloved idols. Wow, talk about your knee jerk reactions, huh? Well, it’s not for nothing that in such situations the term “jerk” is so aptly applied.

Furthermore, I tend to be highly suspicious of anyone who wants me to reference a deity of any kind, and even more suspicious of those who beat their breasts and rend their garments at the thought that their government is not permitted to compel me to do it. Why, I ask, do people think like this? Well,

other than suggesting a lack of the aforementioned intellectual discipline, I really don’t know.

And here’s the thing ... our country is now much more ethnically diverse than ever. It is conceivable that some day our majority may not believe in God but rather may pay their homage to Allah or Buddha or Whomever instead. Can you imagine how the good folk will feel if someday the Pledge included “under Allah” as its legislatively mandated language. Again, not a toughy.

Fortunately we live in a country where one’s preference in a deity may never be dictated by majority rule. The only way to preserve that precious heritage is to make absolutely certain we observe the neutral mandate of the Establishment Clause.

Some still argue that use of the phrase “under God” is an historical anomaly, much like “In God We

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A Short History of the Pledge of Allegiance

Written in 1892 to commemorate the 400th anniversary of Columbus’ discovery of America, “The Pledge to the Flag” was published anonymously in a Boston-based magazine, “The Youth’s Companion.” That year, more than 12 million children recited the words for the first time in schools across the nation.

*I pledge allegiance to my Flag,
and to the Republic for which it stands:
one Nation indivisible,
With Liberty and Justice for all.*

In 1923, concerned that with the number of immigrants living in the United States there might be some confusion when the words “my flag” were recited, the pledge was corrected to read:

*I pledge allegiance to the Flag
of the United States,
and to the Republic for which it stands:
one Nation indivisible,
With Liberty and Justice for all.*

The following year, the words “of America” were added to the second line.

On June 22, 1942, Congress included the Pledge to the Flag in the U.S. Flag Code (Title 36). In 1943, the U.S. Supreme Court ruled that school children could not be forced to recite the Pledge as part of their daily routine. In 1945, the Pledge to the Flag received its official title of “The Pledge of Allegiance.”

In 1954, President Dwight D. Eisenhower approved adding the words “under God” to the pledge. “In this way,” he said, “we are reaffirming the transcendence of religious faith in America’s heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country’s most powerful resource in peace and war.” Today, it reads:

*I pledge allegiance to the Flag
of the United States of America,
and to the Republic for which it stands:
one Nation under God, indivisible,
With Liberty and Justice for all.*

Anecdote

Lying Is Legal

by Judge Irving L. Bloom

Ada Jane and Donald Groomes were engaged in a bitter contested divorce proceeding in October 1988. Suddenly one day Mrs. Groomes disappeared from view and has never been seen or heard from since. The Pennsylvania State Police began a fevered and intense investigation. They were, and still are, unsuccessful in trying to locate Mrs. Groomes. The couple owned a Dodge motor home which the State Police considered to be a possible scene of a crime.

Bud Neckerauer was a bus driver for the Groomes Bus Company. He was questioned by the State Police as to his knowledge of the whereabouts of the motor home. According to the police he denied knowing anything concerning the location of that vehicle. However, the truth was that Bud had been asked by Mr. Groomes to hide the motor home so as to keep it away from Mrs. Groomes. Bud did this rather successfully, first in Virginia and later in Florida.

Approximately a year later, the motor home was discovered in Tampa, Fla., and the person discovering it implicated Bud in the transfer of the motor home to Florida. When he became aware that the State Police were about to know of the location of the motor home, Neckerauer immediately called them to say that he had been in possession of the motor home and had been given it by Mr. Groomes two days before the disappearance of Mrs. Groomes. He also told the police that he had been aware of the location of the motor home since that time. Neckerauer was

immediately arrested on charges of volunteering false information to the police and concealing evidence to impede an investigation.

When he contacted me to represent him, I insisted that he take a lie detector test by an examiner of my choosing at his own expense. He complied with this request and passed the lie detector test with flying colors. He absolutely knew nothing about the disappearance or possible murder of Mrs. Groomes.

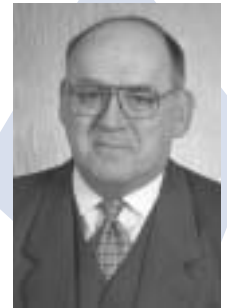
The government is always lying to the people, so it is not so terribly awful if one of the people lied to the government on occasion.

At the preliminary hearing, the State Police presented extensive testimony concerning the location of the motor home, Neckerauer's role in hiding it, and his alleged lying to them concerning the location of the motor home. At this preliminary hearing, I raised the question of jurisdiction in that the motor home had always been located in Westmoreland County. This argument was given no moment by the Fayette County District Attorney, the State Police or District Magistrate Robert Breakiron.

When the case was held for court, I filed a Writ of Habeas Corpus on the grounds that not enough

evidence had been presented to hold the matter for court. The Fayette County courts held that the charges should be dismissed and the District Attorney of Fayette County appealed to the Superior Court.

In the argument before the Superior Court sitting *en banc* with Judge Hudock on the bench, I argued that the government is always lying to the people, so it is not so terribly



▲ Judge Irving L. Bloom

awful if one of the people lied to the government on occasion. More seriously, I also pointed out that the statute sets forth whoever *volunteers* false information to a law enforcement officer is guilty of hindering apprehension. Neckerauer had not volunteered information to the police. They asked him questions and he allegedly lied to them in response to the questions. The nature of the crime is volunteering spontaneously and lying, not lying in response to a question.

The Superior Court held, with Judge Hudock joining in the opinion, that providing answers to the police in response to questions by law enforcement officials does not amount to the crime of hindering apprehension or prosecution because there was no volunteering of information.

I recently ran into Judge Hudock and reminded him about the case. His comment was, "Do you mean to tell me we bought that argument?"

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One Nation Under _____

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Trust” on our money. Well, so far as I know, the Bill of Rights makes no allowances for historical anomalies and I simply chalk that peculiar result up to judges who clearly knew on which side their political bread was buttered. It’s kind of like the Second Amendment. Everyone knows it only applies to the federal government and that the states have every right in the world to remove guns from the populace without constitutional impediment. But people with guns vote, and so do people with Bibles, and very few judges or legislators would dare risk the wrath of those armed with such deadly weapons.

And whatever you may think about God’s presence on our money, there is still a significant difference

between the passivity of that phrase on money and the far more active conduct of requiring school kids to stand up and repeat a loyalty oath referencing a deity that may not even be theirs.

So, have I convinced you yet? If not, just think about this ... we most respect the treasured religious beliefs (or non-beliefs) of our citizenry when we permit them to be entirely private matters and when we insist that our government show its respect for those beliefs by staying the hell out of them. And if keeping the government out works for religion, just think what it could do for taxes, international affairs, domestic policy and Social Security, too. I rest my case.

Lying Is Legal

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I reminded him that he had and that he joined in the Opinion.

If any of you cynics out there think I am making this all up as I have so often been accused of doing, check the case of *Commonwealth v. Neckerauer*, 617 A.2 1281 (1992). The Superior Court dismissed the volunteering of false information charge but did send down for trial the charge of obstruction of justice in that Neckerauer had removed the motor home and concealed its whereabouts.

Justice once again prevailed in Fayette County. As to the trial on the charge of concealing the motor home, that will await another day.

Multi-State of Mind Bar Exam

by Judge Irving L. Bloom

STRESS AND ANXIETY

Two or more continuous weeks of:

- Difficulty swallowing or digesting
- Fainting or dizziness
- Fatigue, headaches, muscle aches
- Anxiety, frustration, irritability
- Apathy, doubt, emptiness, escapism

DEPRESSION

Two or more continuous weeks of:

- Feeling sad, lonely, despair
- Over/under reaction to events
- Can't concentrate
- Difficulty making decisions
- Changes in appetite and weight
- Insomnia or want to sleep all the time
- Loss of interest in work, hobbies, sex

SUBSTANCE ABUSE OR DEPENDENCY

- Have you ever felt you should cut down on your drinking or drug use?
- Have people annoyed you by criticizing your drinking or drug use?
- Have you ever felt guilty about your drinking or drug use?
- Have you ever had a drink or other drug upon arising to steady your nerves or get rid of a hangover?
- Have you ever broken a promise to yourself or others to reduce your drinking or drug use?

COMPULSIVE GAMBLING

- Has gambling adversely affected your marriage, reputation or career?
- Have you ever had problems sleeping because of gambling?

- Are you ever reluctant to use “gambling” money to pay bills?
- Do you ever gamble longer or spend more money than planned?
- Have you had to sell things to finance your gambling?

If you or someone you know could have checked off even a few of the symptoms listed above, you owe it to yourselves to find out if you have a serious health problem that, left unaddressed, will only get worse and, eventually, will take from you everything and everyone you hold dear in your life.

Call the Confidential Lawyers’ Helpline for a free consultation with a healthcare professional or talk to an LCL staff member or volunteer: 1-888-999-1941.

May/June 2002 Trial Terms

Jury Trial Verdicts

by Rachel Yantos, Esq.

Six jury trials, one of which resulted in a directed defense verdict, were conducted during the May/June 2002 civil trial terms. Of the remaining cases on the list, 40 settled, three were transferred to arbitration, 36 were continued, one was stricken, one was a nonbinding summary jury trial, and seven were held to the next trial term. The five cases that required jury determinations are summarized below.

JASON E. HASSELL
v.

KENNETH LEE WHITE
NO. 7317 OF 2000

*Cause of Action: Negligence—
Motor Vehicle Accident*

Plaintiff sought damages for personal injuries sustained as a result of a two-vehicle collision at the intersection of Routes 22 and 981 in New Alexandria on November 19, 1999. The plaintiff was traveling west on Route 22, while the defendant was operating his pickup truck in an easterly direction. Defendant attempted to turn left at the intersection in front of plaintiff's vehicle, causing a head-on collision. The plaintiff suffered injuries to his left knee and left shoulder, both of which required surgery and fully resolved. Plaintiff claimed continued low back pain and numbness in his legs. Plaintiff had selected the full tort option of insurance coverage.

At the time of trial, the defendant admitted liability. The only issue before the jury was the amount of damages to be awarded the plaintiff.

Plaintiff's Counsel: Stephen J. Harris, Pgh.

Defendant's Counsel: Christopher M. Fleming, Jacobs & Saba, Gbg.

Trial Judge: The Hon. Daniel J. Ackerman, President Judge

Result: Jury awarded \$20,000 in damages to plaintiff.

**KEVIN THORSEN AND
CHRISTINE THORSEN, HIS WIFE**
v.
**KAUFMANN'S
DEPARTMENT STORE
NO. 1170 OF 2000**

*Cause of Action: Defamation—
Invasion of Privacy—False
Imprisonment—Loss of Consortium*

On January 13, 2000, wife-plaintiff was shopping for a pair of jeans at defendant's store at Westmoreland Mall. After trying on several pairs, plaintiff left the dressing room to select a different size. According to the plaintiff, she returned to find that her fitting room was occupied and that the pants she had worn into the store were missing. The defendant's employee told her that

she was "in big trouble," then informed her that her pants had been removed, searched and placed at the register. The employee told her that customers were not permitted to wear store clothing onto the sales floor. After a few minutes, plaintiff proceeded to the register while wearing the store's jeans in order to retrieve her pants.

Plaintiff sued the defendant for defamation. Plaintiff argued that the employee implied she committed retail theft by stating that she was "in big trouble." Plaintiff also brought claims for false imprisonment for her brief confinement to the dressing room and invasion of privacy for the employee's search of her pockets. Plaintiff sought damages for anxiety, embarrassment and humiliation. Her husband claimed loss of consortium.

The defendant maintained that its employee removed plaintiff's pants
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ABSTRACTS

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Jury Trial Verdicts *continued from page 9*

from the fitting room during the employee's regular collection of store clothing from the dressing room. The employee believed that plaintiff's fitting room was unoccupied because her jeans were lying on the floor and there were no other identifying items, such as a purse, keys or shoes, to suggest that the fitting room was being used. The employee testified that she picked up the pair of jeans when she was cleaning out the dressing room and looked in plaintiff's pockets in order to locate the department store's tag. Finding none, she folded the jeans and placed them at the register. When the employee observed the plaintiff's return to the same fitting room, the employee stated that she realized her mistake and apologized to plaintiff for the same.

Plaintiffs' Counsel: Amy S. Cunningham, Gbg.

Defendant's Counsel: Jonathan S. McAnney, Tucker Arensberg, P.C., Pgh.

Trial Judge: The Hon. Daniel J. Ackerman, President Judge

Result: Verdict for defendant.

**MELANIE M. BRYAN, A MINOR,
BY HER PARENTS AND
GUARDIANS, ROBERT BRYAN
AND CYNTHIA L. BRYAN,
AND ROBERT BRYAN AND
CYNTHIA L. BRYAN, PARENTS
OF SAID MINOR, IN THEIR
OWN RIGHT**

V.

**CAROL TACKETT AND GLEN
TACKETT AND TYLER TACKETT
NO. 629 OF 1999**

Cause of Action: Negligence—
Premises Liability

The events that gave rise to this action occurred on September 21, 1997, at approximately 12:45 a.m.

The plaintiff, sixteen years of age, was at the defendants' residence when she slipped and fell from a trampoline located in the yard. Plaintiff alleged that defendants were negligent in inviting and/or permitting her to use the trampoline, which was covered with dew, in an unlighted yard and while it was being used simultaneously by several other guests. Plaintiff's injuries included a fractured left elbow, which required several surgical procedures and caused scarring.

The defendants averred that plaintiff did not have their consent or permission to enter onto the premises or use the trampoline that night, nor did their son have the authority to grant her permission. The defendants claimed that plaintiff was a trespasser or, at most, a licensee. Defendant asserted contributory/comparative negligence and that the minor-plaintiff voluntarily assumed a known risk.

Plaintiffs' Counsel: Merle Kramer, Mermelstein, Silberblatt Mermelstein, P.C., Pgh.

Defendants' Counsel: Thomas W. Smith, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict for plaintiffs in the amount of \$16,000. 50% causal negligence attributed to plaintiff.


**RUTH ANN POORBAUGH
AND JAMES POORBAUGH,
HER HUSBAND**

V.

**GREGORY C. SPAIN, D.P.M.
NO. 2949 OF 2000**

Cause of Action: Professional
Negligence—Medical Malpractice—
Battery and Informed Consent—
Loss of Consortium

The wife-plaintiff was referred to the defendant podiatrist on May 29, 1998, for treatment of chronic right heel pain. The defendant diagnosed her condition as tarsal tunnel syndrome. On August 19, 1998, the defendant performed surgery on plaintiff, which consisted of a right



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foot release of tarsal tunnel. Plaintiff contended that defendant incorrectly diagnosed her condition as tarsal tunnel syndrome when her true condition was plantar fasciitis. Plaintiff also averred that defendant was negligent in his performance of the unnecessary surgery, which required her to undergo further surgery by an orthopedic surgeon. Plaintiff claimed continued pain in her right foot, numbness and disability. Her husband brought a claim for loss of consortium.

Defendant maintained that he fully advised plaintiff of the risks and complications involved in the surgical treatment, which required the severing of a portion of the medial calcaneal nerve. Defendant claimed that plaintiff consented to the procedure only after such information was provided. Defendant denied negligence in the care and treatment of plaintiff and contended that plaintiff assumed any and all risks of the surgery.

Plaintiffs' Counsel: Alan H. Perer, Swenson Perer & Kontos, Pgh.

Defendant's Counsel: Charles A. Buechel, Grogan Graffam, P.C., Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict for defendant. Jury found informed consent and no negligence.

**ANGELINE DIFILIPPO
V.
S. MARK RAYBURG, D.M.D.
NO. 4425 OF 2000**

Cause of Action:
Professional Negligence—
Medical Malpractice—
Arbitration Appeal

On or about June 9, 1999, plaintiff presented herself to the defendant, who practiced general dentistry, for evaluation and treatment of her lower denture. Plaintiff contended that the defendant was negligent in performing an in-office relining of

the lower denture. Plaintiff claimed damage to her dental implants and the supporting bony and soft tissues of the mandible. In the alternative, if her medical condition was pre-existing, then plaintiff claimed aggravation of such condition.

The defendant contended that the in-office treatment was provided in accordance with the accepted standards of dentistry. Defendant denied that he was negligent in any manner and maintained that the procedure was accomplished without any injury or harm to plaintiff, her denture or the mandibular implants.

Plaintiff's Counsel: Edward A. Scherder, D.M.D., Pgh.

Defendant's Counsel: Francis Garger, Davies, McFarland & Carroll, P.C., Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Verdict for defendant.

Limits:	\$100,000/ \$300,000	\$300,000/ \$600,000	\$500,000/ \$1million	\$1million/ \$1million
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1	\$356	\$445	\$490	\$552
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bookmark What Have You Been Reading?

by *The Hon. Donetta Ambrose*

Five years ago, the late Judge Mansmann and I began a book club in the courthouse. We meet the last Wednesday of every month during the lunch hour. There are usually about 10 of us who discuss the book we have read. We have no set criteria for selection and pick from both current and past literature. It's a wonderful respite from Law Week and slip opinions and great fun to engage in the discussion. As those of you who know me can probably guess, I could go on and on, but I'll limit my list to those books we have read in the last year or so and others I have read on my own. I hope you enjoy them as much as I have.



▲
*The Hon.
Donetta
Ambrose*

EMPIRE FALLS ♦ by *Richard Russo* ♦

Russo is one of my favorite authors. This year's Pulitzer Prize winning novel, *Empire Falls* is the tale of Miles Roby, who operates the Empire Grill in rural Maine. The cast of characters is unforgettable, including Janine, Roby's soon-to-be ex-wife, who "replaced Catholicism with aerobics." Religion plays an interesting role in this terrific novel.

Russo has written several other wonderful novels. I recommend all of them but especially *Straight Man*, which I promise will have you laughing out loud.

DAUGHTER OF FORTUNE ♦ by *Isabel Allende* ♦

A spellbinding example of Latin American fiction with multi-generational and multi-ethnic characters and centered around an unconventional woman whose life is an incredible adventure.

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THE AMAZING ADVENTURES OF KAVALIER AND CLAY ♦ by *Michael Chabon* ♦

This is Chabon's first novel not set in Pittsburgh and last year's Pulitzer Prize winner. I loved this book and was sorry to see it end. This very original novel is the story of two talented Jewish cousins who create comic book action heroes during WWII. It is funny, yet deep; touching and unforgettable. Chabon's style is engrossing and his use of words will blow you away.

THE GIRL IN HYACINTH BLUE ♦ by *Susan Vreeland* ♦

Eight interrelated stories tracing the history, in reverse historical order, of a fictional 36th Vermeer portrait. (There are only 35 known Vermeers in the world today). The stories take the reader backward through time and show how the lives of its owners were affected by the portrait. You'll wish there were more than eight stories.

THE OPTIMIST'S DAUGHTER ♦ by *Eudora Welty* ♦

When Welty died earlier this year, we all thought we should read her 1973 Pulitzer Prize winner. This compact novel turned out to be a real winner. The optimist is Judge McKelva, whose daughter Laurel travels from Chicago to New Orleans to care for her father in his last

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To-Wit: Warranty Work

by S. Sponte, Esq.

Recently I purchased a new car, a really spiffy one, German, very fast, very expensive. This spiffy car came with a spiffy phone system, built in and integrated with the radio. I could store lots of numbers, dial them with the push of a radio button, scroll through all the names and numbers and see them displayed on my radio and even operate it by voice command. Of course, I can't see the road while I'm doing it, but that's a small price to pay for so much technological wizardry.

It is really spiffy, or rather it would have been really spiffy if it had worked. You see, it didn't work.

I took the car back the next day and the radio unit was replaced. That didn't work. I took the car

back a few days later and this time the phone system was replaced. That didn't work either. I took the car back a few days later. This time the factory authorized the dealer to put in, for free, the CD player I didn't order, figuring that somehow the CD player was needed to make the whole shebang work right. It didn't.

Well, to make a long story short, after about five or six visits, one of which required me to leave the car overnight, the system was fixed. Turns out the wrong radio had been installed from the get-go and once the correct model had been installed, the phone worked flawlessly. I am now happy.

But as I left the dealer on that last occasion, it struck me as funny how here I was, having purchased a very expensive car, and yet I had to take the thing back again and again until

the work was done in a satisfactory manner, work that, quite honestly, should have been done right the first time.

Now generally I have less patience than a man who has just taken his very last Viagra pill. But when it comes to the concept of warranty work I apparently readily acquiesce in this wearisome and frustrating process. I have, I guess, come to realize that some things are fairly complex and thus may take a while to get done properly. In fact, all of us routinely accept the notion that providers of goods and services don't always get it right the first time and we often patiently wait until the

continued on page 14



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To-Wit: Warranty Work *continued from page 13*

work finally gets done correctly, under warranty of course.

How odd it is that our profession has no such opportunity. When mechanics don't get a car repaired properly, we give them another chance. When a manufacturer's product doesn't work, we think nothing of returning it for a new one. When neurosurgeons accidentally slip with the scalpel, we ... well, maybe that's not a good example.

The point here is simple. Sometimes, try though we may, we just don't always do our best work. Why can't we then, at the end of a trial that turned out badly for our clients, simply have a do-over? Why can't we simply replace the product with one that works. All we should have to do is advise the judge that, okay, we didn't get it right that time but how about we come back in a few days to have another go at it?

It all brings to mind the very first jury trial I ever tried, back about 1971. It was a simple intersection accident, the defendant had failed to stop at a stop sign and T-boned my client who had the right of way and was driving along, minding his own business. The litigants each blamed the other for the accident but there was an independent witness. My client had his name and number and told me that this witness could absolutely verify that the defendant had run the stop sign.

Now I can't explain why, but I never contacted that witness. I went to trial with only one witness, my client. Now maybe it was because I was young and inexperienced. Maybe it was because I was timid and shy. Or maybe it was because my client turned down a really good offer of settlement and I pretty much wrote him off as a greedy pig. Whatever, the jury came back with a verdict was for the defense.

Now I ask you, why couldn't I just say to all those assembled, "Gee, I don't think I did this the right way, but what say we all meet here again

next Thursday at 9:30 and I'll have another go at it?"

What would be the harm? Oh sure, another judge would have to try the case again, but their salary is

Sometimes, try though we may, we just don't always do our best work. Why can't we, then, simply have a do-over?

fixed. It wouldn't cost the state a dime to have them try the case again, and with a second chance there's always an enhanced possibility they might get it right. It would be kind of like a new trial but without the expensive and

tiresome need to trouble an appellate court.

And sure, another jury would have to be assembled, but it does get the jurors out of the house for the afternoon and they can always tape their soap operas for viewing at a later time.

Nah, I have given the matter much thought and I can see no practical reason why we lawyers shouldn't have the same opportunities society so willingly grants our mechanics, our manufacturers and our dermatologists.

So that's my grand idea. I'm all for instituting it at once. At the end of every trial, if you aren't happy with the outcome, simply stand up and say "Sorry, sorry, this didn't work. I have time in my book to do this again next week. Does that time work for everybody else?"

Not convinced yet? Well, consider this. If my plan gets put into effect, just think of how it would nullify all those pesky malpractice claims you're always fretting about.

Now then, all those in favor, raise your hands.

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◀ "I've got to get some sleep."

"Yeah, it's my third trip. What of it?"
▼



▲
"... and then I told him, I don't care if it's only jaywalking. It's your third offense and you're going away."



◀ "Lookit," said Dan, "this is how it's done."

▲
"Hey, Judge, got any?"



◀ "Yeah, it's sad," said Scott Sr. "He practices law the same way."

▶ Although up and about the next morning, John is still in reverie over last night's late frolicking.



▶ John shows off his Spring collection.



Do You Want to Serve?

Openings on Committees, Board

The Nominating Committee of the Westmoreland Bar Association is accepting applications for positions on the Membership Committee, Building Committee and Board of Directors. Any member interested in running for these positions should send a letter to the Chair of the Nominating Committee, c/o the WBA, by October 15, 2002. The positions will be filled at the Annual Meeting of the association to be held on April 7, 2003.

Applicants must be active, participating members of the WBA. The responsibilities for each position are as follows:

MEMBERSHIP COMMITTEE

The Membership Committee is the first point of contact that most applicants have with the WBA.

One five-year term is available. The Membership Committee member will:

- Attend monthly committee meetings.
- Personally interview and educate applicants on the workings of the WBA, including committee assignments, staff responsibilities, and new lawyer opportunities such as the mentor program, the Young Lawyers, and Pro Bono.
- Make recommendations for membership eligibility with specific recommendation for membership class.

BUILDING COMMITTEE

The Building Committee is responsible for maintaining the management and upkeep of Bar Headquarters. One five-year term is available. The Building Committee member will:

- Attend quarterly committee meetings.
- Be knowledgeable about the utilization of Bar Headquarters for business and social functions.
- Help to develop annual budget for operation of building.
- Make recommendations to Board of Directors on matters of concern in building upkeep.

BOARD OF DIRECTORS

The Board of Directors ensures that the WBA's mission, services, policies and programs are carried out.

Applicants should have experience in WBA activities such as chairing a committee, attending bar functions and being active in the bar community. In addition, they must be able to think clearly and creatively, and work well with people, individually and in a group. One four-year term is available. The Director will:

- Attend all board and appropriate committee meetings and special events.
- Serve on committees and offer to take on special assignments.
- Inform others about the organization and its activities and functions.
- Assist the board in carrying out its fiduciary responsibilities, such as reviewing the organization's annual financial statements.
- Take responsibility and follow through on given assignments.
- Contribute personal and financial resources in a generous way according to circumstances.
- Open doors in the community.

On The Move ...

LEO J. CIARAMITARO was called to active duty and has been deployed to Germany. "I am based near Karlsruhe, Germany which is home to Germany's Supreme Court," he writes. "I hope to get some pictures to send back. Let the Bar know that I'm fine and am so far enjoying my deployment to Germany."

Former WBA member **H. KEITH HAUGER** sends word that he is an Assistant General Counsel at the University of South Florida. The University is the second largest in the southeastern United States. Keith represents the Division of Patents, Licensing and Research, as well as a variety of transactional and liability issues. He is also enrolled in the Master of Architecture degree program at USF and hopes to be a fully registered architect within three years. He maintains a private law office in Tampa where he does intellectual property law and assists attorneys from Westmoreland County and western Pennsylvania in general Florida cases.

AMBER LEECHALK has joined McDonald, Snyder & Williams in Latrobe. Her new numbers are 724-539-3510; fax 724-539-3527.

WAYNE P. McGREW has joined the District Attorney's office. He can be reached at 724-853-4648; fax 724-830-3290.

wba

New Member Sketches

Daniel P. Beisler was admitted to the WBA as a participating member. A graduate of Serra High School, Allegheny College and the University of Pittsburgh School of Law, Daniel has a solo practice in North Huntingdon. He and his wife, Mary Jo, and their daughter, Katherine, live in North Huntingdon.

Kevin G. Clancy has joined the WBA as a participating member. A graduate of Bentworth Senior High School, he earned degrees from California University of Pennsylvania and Duquesne University School of Law. Kevin practices with Bergstein & Galper in Monessen and also works in the Allegheny County Office of Public Defenders. He and his wife, Lori, have two children, Kadie and Kailyn, and live in California, Pa.

David K. Harouse has been admitted as an associate member of the WBA. He is a graduate of The Kiski School, the University of Notre Dame and the University of Pittsburgh School of Law. A native of Latrobe, David lives in Pittsburgh where he works for Solomon & Associates.

Robert B. Liotta has joined the WBA as a participating member. A graduate of Burrell High School, Robert earned his undergraduate and juris doctor degrees from the University of Pittsburgh. Robert is a solo practitioner in Lower Burrell and lives in Arnold.

Jennifer Love, daughter of WBA member George H. Love, Jr., was admitted to the WBA as a participating member. A graduate of Greater Latrobe Sr. High School, Allegheny College and the Duquesne University School of Law, Jennifer is an associate with The Love Law Firm, LLC, in Youngstown. She and her daughter, Raven, live in Latrobe.

Jason J. Mazzei has been admitted as an associate member of the WBA. A graduate of Burrell High School, the University of Pittsburgh, and Widener University School of Law, Jason is a solo practitioner based in Pittsburgh, with satellite offices in Greensburg and Tarentum. He and his wife, Susan, and their son, Jordan, live in Allison Park.

James P. Silvis, son of WBA member James R. Silvis, has joined the WBA as a participating member. He is a graduate of Hempfield Area Sr. High School, the University of Virginia and the University of Michigan Law School. Jim lives in Greensburg where he is an associate with O'Connell & Silvis.



fyi Habitat for Humanity is on the lookout for donated land upon which to build a new home, or for a dwelling, which can be rehabilitated. Donating property to a qualified charity can provide legal and tax benefits when planning an estate. For more information about Central Westmoreland Habitat for Humanity's needs, contact Edward Ford at 724-523-0308.

Memorial Service Thanks

The family of Joseph Mitinger wished to extend their thanks to the WBA and its members for the Memorial Service held in June. The WBA also wishes to thank Smart Counsel Court Reporters in Greensburg for providing a complimentary transcript of the Memorial Service.

On behalf of Joseph's family, I would like to thank you for inviting us to attend your memorial service for Joseph and George Lynch. It was a lovely service. I was very touched by the kindness and thoughtfulness of all who participated and attended.

*Sincerely,
Diane Mitinger*

Thank you very kindly to the members of the Judiciary and to the members of the Bar who appeared and spoke and/or appeared and had lunch with us. It was a bittersweet return for me from the standpoint of having to memorialize my brother's passing and on the other hand, I had an opportunity to shake hands and exchange pleasantries with a number of the members of the Westmoreland County Bar who have been my friends from my early years in Greensburg.

*Thank you very much.
Sincerely,
Robert B. Mitinger, Esq.*

bookmark

continued from page 12

days. Although not much “happens” in the book, the character development is amazing. Plot is not the most important element of this short novel, but the characters will stay with you for a long time.

SEABISCUIT ♦ by *Laura Hillenbrand*
♦ I echo Judge Ackerman’s comments on this great book about the most popular racehorse in history. Nevertheless, I wanted to put it on my list, lest anyone think it is not a book for chicks.

BEE SEASON ♦ by *Myla Goldberg*
♦ The fabric of the family life of the Naumanns, an ordinary Jewish family, begins to unravel with events that follow the unexpected success of their heretofore uninspired daughter’s success in a spelling bee. The author is a gifted storyteller—you’ll love it.

POISONWOOD BIBLE ♦ by *Barbara Kingsolver*
♦ A missionary father takes his wife and three daughters to the Belgian Congo in 1959. The wife and daughters tell their stories in alternating chapters, with amazingly authentic voices.

WHEN WE WERE ORPHANS ♦ by *Kazuo Ishiguro*
♦ Christopher Banks, a famous London detective and narrator of this novel, returns to Shanghai, the city of his youth, where twenty years earlier, when he was only nine, his parents had disappeared. Banks reconnects with his childhood memories to solve the mysteries of his own past.

IN SUNLIGHT, IN A BEAUTIFUL GARDEN ♦ by *Kathleen Cambor*
♦ This is a beautifully written novel mixing historical facts and characters with fictional characters, all centering around the Johnstown flood on Memorial Day, 1889.

Happy reading. I miss you all.

foundation focus

Mock Trial Scholarships Awarded at Meeting

Two Mock Trial Scholarships were awarded at the Summer Quarterly Meeting of the WBA held July 19 at Cherry Creek Golf Course in Youngwood. The recipients were Patrick Martin from Greensburg-Salem High School and Kristen Mellinger of Southmoreland High School.

Patrick Martin was a member of Greensburg-Salem’s Mock Trial State Championship team in 2001. In addition to participating in the Mock Trial program, Patrick played football for three years and was active in the Boy Scouts, National Forensic League, Catholic Youth Group and Delmont Lions. He was also a member of the Core Youth Group that helped raise money for the oncology department at Children’s Hospital.

Patrick is attending Allegheny College in Meadville, Pa., this fall, majoring in Political Science.

Kristen Mellinger was involved in the Mock Trial program for three years at Southmoreland High School.

A member of the National Honor Society and French National Honors Society, Kristen served as President



▲ WBF Vice Chair Bruce Tobin (far right) congratulates 2002 Mock Trial Scholarship recipient Patrick Martin (second from left). Also shown are Patrick’s parents, Sandra and Robert Martin. Kristen Mellinger, who also received a scholarship, wasn’t present.

of the French Club and was active in the choir, marching band, concert band, jazz band, Southmoreland’s Environmentally Aware Students and Youth Education Association.

“I just wanted to thank you for the scholarship you awarded me,” she said. “I cannot tell you how much I appreciate your contribution to my education.”

Kristen is enrolled at Ohio Northern University this fall and will major in Pharmacy.

The next quarterly meeting of the WBA will be held in mid-October and will include free CLE credits for those attending.

LawSpeak

“To decide issues of law on the size of the person who gets advantage or claims disadvantage is treacherous.”

— The Hon. Robert H. Jackson, *Bruce’s Juices, Inc. v. American Can Co.*, 330 U.S. 743 @753 (1947)

Operation Fresh Express A Success



Members of the Westmoreland Bar Foundation partnered with the Westmoreland County Food Bank to sponsor an “Operation Fresh Express” visit to the Latrobe area on August 15, 2002. Operation Fresh

Express provides a refrigerated truckload of fresh produce, dairy products and frozen foods for distribution to income-eligible families.

According to Leyla L. Pilon, Operation Fresh Express Coordinator for the Westmoreland County Food Bank, over 200 households were served by the WBF at the Prince of Peace Lutheran Church in Latrobe. The families were comprised of 153 children, 229 adults, and 71 senior citizens. Over 11,000 pounds of wholesome, nourishing foods were distributed.

“Your efforts have helped to get this food onto the tables of needy families,” said Pilon. “We are proud to have you as our partner in the fight against hunger.”

To find out more about the Operation Fresh Express program, contact the Westmoreland County Food Bank at 724-468-8660.



▲ Members of the WBF partnered with the Westmoreland County Food Bank to distribute food as part of “Operation Fresh Express” at Prince of Peace Lutheran Church in Latrobe.

2003 Mock Trial Coordinator Needed

Due to Leo Ciaramitaro’s call to active duty and subsequent deployment to Germany, the WBF is in need of a Mock Trial Coordinator for the 2003 competition. Leo has left all his material for us to use in this next mock trial competition. Mock Trial starts up in late Fall with the majority of commitment falling in February. Please contact the WBF at 724-834-6730 if you are interested in this position.

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CALENDAR of Events

SEPTEMBER

- 11 Membership, Noon
- 12 Past Presidents, Noon
- 13 Employment & Labor Law
Forum CLE, WCCC, 9 a.m.
- 17 Family Law, Noon
- 24 Vision Group, Noon
Small Firm/Solo, Noon
Board Meeting, 4 p.m.
- 25 Delivery of Legal Services,
Noon
- 27 Red Mass, St. Joseph's Hall,
Noon
- 28 Fall Gathering, Greensburg
Country Club

OCTOBER

- 4 Pro Bono CLE Seminar
- 9 Membership, Noon
- 14 Columbus Day
- 15 Family Law, Noon
Board Meeting, 4 p.m.
- 30 Nominating, Noon

TOP TEN

Top Ten All Time Best Lawyer Movies

1. "To Bill A Mockingbird"
2. "Men In Black Vests"
3. "Inherit The Long Winded"
4. "I Never Promised You A Plea Bargain"
5. "Sometimes A Great Motion"
6. "E.T.—Evicting The Tenants"
7. "Lie Hard"
8. "Dances With Sharks"
9. "A Lien"
10. "Raging Bull"



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