

PA Superior Court Affirms Dismissal of Legal Malpractice Action

5.17.18

In *Communications Network International, Ltd. v. Mullineaux*, the Superior Court of Pennsylvania affirmed the dismissal of a legal malpractice action against a law firm in which over \$10 million had been at issue in an underlying telecommunications commercial litigation matter.

White and Williams represented the law firm, Flamm Walton P.C., before the trial court and on appeal. The legal malpractice action arose from an underlying breach of contract action, involving telecommunications services, brought against Communications Network International, Ltd. (CNI). In the legal malpractice action, CNI claimed that its attorney, and the successive law firms where the attorney worked while representing CNI, committed malpractice by failing to, among other things, adequately plead a counter-claim.

After CNI filed its legal malpractice action after the expiration of the statute of limitations, the law firm invoked the statute of limitations defense. In response, CNI asserted that it did not become aware of its attorney's alleged malpractice until it read the appellate court's opinion affirming the dismissal of its counter-claims. Refusing to excuse CNI's failure to read the trial court's opinion, the Superior Court concluded that CNI failed to exercise due diligence to investigate its potential right of recovery. In reaching its decision, the Court additionally noted CNI's lack of proofs in support of its legal malpractice claim.

Flamm Walton, P.C., was represented by Robert G. Devine, Kim Kocher, and Victor J. Zarrilli.

