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App. 1

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

CYNTHIA L. POLLICK, : No. 514 MAL 2022
Petitioner : Petition for
v. : Allowance of Appeal
ANTHONY P. TROZZOLILLO, : from the Order of
Respondent : the Superior Court

ORDER

PER CURIAM

AND NOW, this 23rd day of May, 2023, the Petition for Allowance of Appeal is **DENIED**.

A True Copy Elizabeth E. Zisk
As Of 05/23/2023

Attest: /s/ Elizabeth Zisk
Chief Clerk
Supreme Court of Pennsylvania

App. 2

Filed 11/02/2022

CYNTHIA L. POLLICK : IN THE SUPERIOR
Appellant : COURT OF
: PENNSYLVANIA
v. :
ANTHONY P. TROZZOLILLO : Lackawanna County
: Civil Division
: 2020-40119
: : No. 620 MDA 2022

ORDER

Upon consideration of Appellant's motion filed October 22, 2022 and docketed as an Application For Relief, Appellee's answer filed October 24, 2022, and Appellant's response filed October 25, 2022 and docketed as an "Answer To Application For Relief" Appellant's application for relief requesting that this Court reinstate her appeal is hereby **DENIED**.

PER CURIAM

App. 3

Filed 10/19/2022

CYNTHIA L. POLLICK : IN THE SUPERIOR
Appellant : COURT OF
: PENNSYLVANIA
v. : Lackawanna County
ANTHONY P. TROZZOLILLO : Civil Division
: 2020-40119
: No. 620 MDA 2022

ORDER

“Appellee, Anthony P. Trozzolillo’s, Application to Dismiss Appeal” filed September 15, 2022, is hereby **GRANTED** in light of Appellant’s failure to file a brief which was due in this Court on August 30, 2022.

PER CURIAM

App. 4

CYNTHIA L. POLLICK : IN THE COURT OF
v. : COMMON PLEAS
: OF LACKAWANNA
ANTHONY P. TROZZOLILLO : COUNTY
: 20 FC 40119
: _____

MEMORANDUM AND OPINION

Bertin, S.J. 4/12/22
Visiting Judge

As a result of Plaintiff Wife's ("Cynthia L. Pollick") obdurate, vexatious, and dilatory conduct, the undersigned entered counsel fees against her under 42 PA C.S. § 2503(7), (9) in the amount of \$26,950, giving her (20) twenty days from the docketing of the order, to wit, by August 12, 2021. Eight (8) months have passed and wife has refused and failed to pay said sum.

On April 12, 2022, this Court held a contempt hearing on the record in open court and will hold wife in contempt of said order because she has willfully failed and refused to pay the same, and had on the date of the order, and has now, the present ability to pay the same, but refuses to do so.

On July 20, 2021, at page 12 of this Court's Equitable Distribution opinion and order, Wife's evidence shows (Wife's Exhibit 4) that she had in her SEPA, (Pension), the sum of \$74,059.46 on date of marriage (1/1/17), \$83,523.22 (6/20/19), and \$88,375.20 (1/24/20).

This fund is liquid, consisting of marketable securities and investments, and easily accessible now for

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immediate payment of the \$26,950. In fact, there was clear testimony from Wife that she voluntarily, in her sole discretion, accessed this account last year in 2021, in the amount of \$30,000 to pay some debts that she chose to pay. Any time an owner of a deferred income plan, whether it be an Ira, a SEPA, or a 401k, as Wife is with her SEPA, may take an early distribution and simply pay the appropriate income taxes thereon and any penalty for early distribution, which Wife did in the amount of \$30,000 in 2021. The Court estimates over the past 2.5 years, Wife's account has increased to about \$100,000, so her voluntary withdrawal of \$30,000, leaves plenty of money to satisfy the \$26,950 payment.

The Court finds that Wife has the present ability, beyond a reasonable doubt, to immediately pay what the Court has ordered her to pay ten (10) months ago. Accordingly, the Court will enter the order below. Before entering the order below, the Court is compelled to comment on Wife's outrageous conduct throughout the entire case, and today. She is willfully disrespectful to court personnel, counsel, and the Court. She seems to justify this behavior in total disregard of the code of conduct for a lawyer by constantly referring to herself as citing to the Court and opposing counsel, that she is acting "pro se," as if that title authorizes her to behave in such a disgraceful manner.

ORDER

AND Now, this **12th** day of **April 2022**, the Court having found Wife in contempt of Court for willfully disobeying the Court's Order and beyond a reasonable doubt, and having present ability to pay the same, this Court orders the following:

- (1) Wife (Cynthia L. Pollick) shall forthwith withdraw from her SEPA believed to be in Oppenheimer or some successor entity, sufficient funds, after payment of administrative fees, costs, income tax, and penalties, the sum of \$26,950 and make payment of the same to Anthony P. Trozzolillo.
- (2) Wife shall file an affidavit with the Lackawanna County Prothonotary's Office on or before Friday, April 22, 2022, swearing she has complied with this Order and payment has been made to Anthony P. Trozzolillo.
- (3) In the event said affidavit is not filed as stated here before on the date required, the Sheriff is **HEREBY ORDERED AND DIRECTED** to serve a bench warrant for the arrest of Cynthia L. Pollick and to forthwith bring her to the Lackawanna County Prison and notify the Court when she is incarcerated for further enforcement proceedings.
- (4) Wife is hereby enjoined and restrained from making any withdrawals from said SEPA account prior to the payment of the \$26,950 to Anthony P. Trozzolillo. If Wife violates this directive, Court will consider said withdrawals

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contempt of court and fraudulent transfer of
funds.

BY THE COURT:

/s/ Emanuel A. Bertin
Emanuel A. Bertin, S.J.
VISITING JUDGE

Johanna L. Gelb, Esq.
PA Bar ID No. 49972
538 Biden Street, Suite 600
Scranton, PA 18503
Phone:(570) 343-6383
FAX:(570) 343-7348

Attorney for Defendant

CYNTHIA L. POLLICK : IN THE COURT OF
Plaintiff : COMMON PLEAS
vs. : OF LACKAWANNA
COUNTY
ANTHONY P. TROZZOLILLO : CIVIL ACTION-LAW
Defendant : DIVORCE
: 2020-FC-40119

WRIT OF EXECUTION

To the Sheriff of Lackawanna County, Pennsylvania.

To satisfy the judgment, interest and costs against Cynthia L. Pollick, Plaintiff/Judgment Debtor;

- (1) you are directed to levy upon the property of the plaintiff/judgment debtor and to sell the plaintiff/judgment debtor's interest therein;
- (2) you are also directed to attach the property of the plaintiff/judgment debtor not levied upon in the possession of M&T BANK, as garnishee,

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and to notify the garnishee that: [303 S.
Main St Old Forge Pa [illegible]]

- (a) an attachment has been issued;
- (b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the plaintiff/judgment debtor and from delivering any property of the plaintiff/judgment debtor or otherwise disposing thereof;
- (c) the attachment shall not include any funds in an account of the plaintiff/judgment debtor with a bank or other financial institution
 - (i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or the first \$10,000 of each account of the plaintiff/judgment debtor with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.
 - (ii) each account of the plaintiff/judgment debtor with a bank or other financial institution in which funds on deposit exceed \$10,000 at any time if all

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funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(iii) any funds in an account of the plaintiff/judgment debtor with a bank or other financial institution that total \$300 or less. If multiple accounts are attached, a total of \$300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the plaintiff/judgment debtor's general exemption provided in 42 Pa.C.S. § 8123.

(3) if property of the plaintiff/judgment debtor not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

Judgment Amount	<u>\$26,950.00</u>
Interest	<u></u>
Clerk's Fee	<u>\$34.50</u>
Sheriff	<u>\$123.00</u>
Poundage	<u>\$539.00</u>
Total	<u>\$27,646.50</u>

Date MAR 22 2022 /s/ Mauri B. Kelly
(Name of Prothonotary
(Clerk))

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Seal of the Court

By _____
(Deputy)

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Johanna L. Gelb, Esq.
PA Bar ID No. 49972
538 Biden Street, Suite 600
Scranton, PA 18503
Phone:(570) 343-6383
FAX:(570) 343-7348

Attorney for Defendant

CYNTHIA L. POLLICK	:	IN THE COURT OF
Plaintiff	:	COMMON PLEAS
vs.	:	OF LACKAWANNA
	:	COUNTY
ANTHONY P. TROZZOLILLO	:	CIVIL ACTION-LAW
Defendant	:	DIVORCE
	:	
	:	2020-FC-40119

CYNTHIA L. POLLICK	:	IN THE COURT OF
Plaintiff	:	COMMON PLEAS
vs.	:	OF LACKAWANNA
	:	COUNTY
ANTHONY P. TROZZOLILLO	:	(Domestic Relations
Defendant	:	Section)
	:	Docket Number:
	:	20 DR 00205
	:	PACSES Case Number:
	:	517300200

ENTRY OF JUDGMENT

AND NOW, this day of JUL 26 2021, 2021, judgment is hereby entered in favor of Anthony P.

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Trozzolillo, and against Cynthia L. Pollick a/k/a Cynthia Lynn Pollick, in the amount of \$26,950.00.

/s/ Mauri B. Kelly

Clerk of Judicial Records
