

## P A R A L E G A L S P A G E

# Paralegal Community Honors Memory of PAP's First VP

BY CHRISTINE M. FLYNN

*Special to the Legal*

It is with a heavy heart that The Philadelphia Association of Paralegals learned of the sudden passing of our first vice president, Victor Panieczko, on March 9. Panieczko was a litigation paralegal at Rawle & Henderson, working in the area of insurance defense in the toxic tort department. He was previously employed as a senior litigation paralegal at Flaster Greenberg. Panieczko was a highly skilled legal researcher, having worked as a research librarian for 20 years before entering the paralegal field. He earned his paralegal certification from Boston University and his A.A.S. with high honors in paralegal studies from the Community College of Philadelphia (CCP).

Prior to embarking on his paralegal career, Panieczko was a reference librarian, research and electronic resources manager at various large law firms in Philadelphia. He was a member of numerous professional associations, including the Greater Philadelphia Law Library Association (GPLLA), where he held the offices of member, board of directors, vice president and president; the American Association of Law Libraries (AALL) and The Jagiellonian Law Society, where he served



**Victor Panieczko.**

as acting secretary. He was also a member of the Philadelphia Bar Association and served as a member of the paralegal studies advisory board at the Community College of Philadelphia.

Panieczko was an active member of The Philadelphia Association of Paralegals for many years serving our membership in

variety of offices. In 2017, he served as PAP's first vice president, chair of the technology committee, as well as co-chair of the litigation committee. He gave countless hours in promoting paralegals and the profession.

Harry A. Reichner, president of The Philadelphia Association of Paralegals, states: "Victor was a valued officer of The Philadelphia Association of Paralegals that I had the pleasure of working with on many association projects. He was a tireless vice president, board member and committee chair who understood the meaning of the word 'team.' Victor was always more focused on the good of the association than on his own benefit; he was a great asset to our work in advancing the paralegal profession and made a great impact on everyone he knew. I know that an

unexpected death is never easy to accept; I sincerely wish I had the opportunity to let him know how highly regarded he was."

In addition to serving the PAP, Panieczko was also a tireless advocate for students and a firm believer in giving back to the legal community. He was an avid supporter of the Support Center for Child Advocates, participating in the annual Philadelphia Bar Association 5K Walk/Run to help abused children find more stable lives. He served as a mentor to paralegal students and was never too busy to answer a question, offer support or attend a local college event. He truly enjoyed spending time with the students and his enthusiasm and smile were conta-

gious. Kathleen Smith, director of the Fox Rothschild Center for Law and Society at the Community College of Philadelphia,

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## The Philadelphia Association of Paralegals Calendar of Events

• On Thursday, an in-house practice committee 2017 kick-off meeting is scheduled for 12:30 p.m. at Mancheski

& Bunker, Four Penn Center, suite 500, 1600 JFK Blvd. The topic, "Bullying in the Workplace," is set to be presented by

Diane B. Sher. The discussion will include whether there is a difference between the way bullying is handled in-house versus in

a private firm. A pizza lunch will be provided. Contact Tamika Way at [inhouse@philaparalegals.com](mailto:inhouse@philaparalegals.com).

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## VW

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consumer case but would bolster Berman's billable hours in the dealer case by about 40 percent.

"Volkswagen is unaware of any law that would allow counsel to call work done for one case 'hybrid,' submit time for that work in a fee application for that case, and then later, when convenient, move that time to another fee application in a different case brought on behalf of different clients," Giuffra wrote.

In a footnote, Volkswagen, whose official opposition to attorney fees in the dealer case is due March 16, said it would be moving to compel production of Berman's time records in both cases.

In his email, Berman said the lodestar amounts don't matter since the fee requests in both cases are based on a percentage of the total settlement funds. The fee request in the dealer case makes up 2 percent of a fund estimated to surpass \$1.3 billion, when including incentive payments, he noted.

Even if the dispute gets resolved, Volkswagen might have more fee fights

in the future. The committee has yet to make a request for fees in the \$1.2 billion settlement over 75,000 3.0-liter diesel vehicles, which was preliminarily approved last month. In a footnote to its objection over the individual firm fees, Volkswagen noted that it retained its rights to seek audits of the lodestar amounts in any request made in relation to the 3.0-liter settlement or to "object to the misallocation of any PSC work in connection with 2.0-liter claims to the 3.0-liter lodestar figure."

*Amanda Bronstad can be contacted at [abronstad@alm.com](mailto:abronstad@alm.com).* •

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said, "When I think of graduates who embody the concept of giving back, Victor was always one of the first to come to mind. He was always cheerful and willing to help in any way he could. He mentored countless students, sponsored students to attend PAP luncheons and volunteered for every project we undertook. The depth of his loss will reverberate for some time to come. The paralegal program will miss him deeply and, personally, I will miss him dearly always."



**CHRISTINE M. FLYNN**

is a litigation paralegal at Haggerty, Goldberg, Schleifer & Kupersmith with more than 25 years of experience in the field. Flynn is the past president, and currently serves as chair of the litigation

committee, of The Philadelphia Association of Paralegals.

I, along with the board of The Philadelphia Association of Paralegals, had the honor of not only working professionally with

Panieczko on numerous projects but also the privilege knowing him over the years as an esteemed colleague and friend. He was devoted, supportive, respectful and full of inspiration. Our thoughts and prayers are with his wife, Iwona, his children, Jessica and Michael, family and friends during this difficult time. The family is currently working to establish a scholarship fund in Panieczko's name for his son. If you are interested in sending condolences to the family or contributing to the scholarship fund, contact The Philadelphia Association of Paralegals at [philaparalegals@gmail.com](mailto:philaparalegals@gmail.com) for additional information. •

## Amtrak

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letter of agreement, the defendants were on the hook for \$1.6 million, or the balance of the treatment costs after they paid \$2.7 million. Davis said Temple failed to prove Amtrak promised to pay the balance, and alternatively, it never authorized any promise on its behalf by Russell or MCMC, or that a contract existed between Temple and the latter two defendants.

Davis added that the letter appeared to be a unilateral statement that Amtrak would pay \$4.3 million in treatment costs, but lacked any specifics on who offered what to whom.

"The complaint is devoid of any well-pled factual allegations supporting a reasonable inference of an offer, acceptance, or consideration. The complaint only asserts the existence of an 'agreement,' and then

concludes that the 'agreement' formed an enforceable contract," Davis said.

"'Naked assertions devoid of further factual enhancement' and 'threadbare recitals of the elements of a cause of action, supported by mere conclusory statement,' must be disregarded," he added, citing language from the U.S. Supreme Court's 2009 ruling in *Ashcroft v. Iqbal*. "The pled 'agreement' is not entitled to a presumption of truth, and the pled contract will be dismissed."

Temple's lawyer, Howard R. Maniloff, did not return a call seeking comment. Joseph A. Arnold, who represents the defendants, declined to comment.

With its win in Temple's lawsuit, Amtrak dodged an addition to its financial woes.

On Oct. 27, Davis approved the \$265 million settlement in the Amtrak multidistrict litigation, reflecting the "present value" of the federally capped \$295 million damages limit Amtrak can be liable for.

Davis reasoned in his order that the settlement amount was the current equivalent of the cap "given the potential for years of protracted litigation before money can be distributed." The settlement was geared toward a quick disbursement of money and is structured so people will be compensated by the summer.

The derailment litigation was short in duration compared to other MDLs, as Amtrak admitted liability from the outset.

Amtrak Train 188, traveling from Washington, D.C., carried more than 200 people when it derailed in Port Richmond on the night of May 12, 2015. At the time of the derailment, the train was traveling around a curve at roughly 100mph—twice the speed limit for that section of rail.

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