

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

SAMUEL R. ELLISON

Appellant

v.

JOSUE ROBLES, JR. AND USAA
INSURANCE COMPANY

Appellee

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 621 EDA 2012

Appeal from the Order Entered January 17, 2012
In the Court of Common Pleas of Montgomery County
Civil Division at No(s): 2010-27133

BEFORE: PANELLA, J., ALLEN, J., and PLATT, J.*

MEMORANDUM BY PANELLA, J.

FILED MAY 23, 2013

Appellant, Samuel R. Ellison, *pro se*, appeals from the order sustaining Appellees', Josue Robles, Jr. and USAA Insurance Company, preliminary objections and dismissing Ellison's complaint. After careful review, we quash the appeal.

A review of Ellison's complaint reveals the following allegations. Robles owned a 1988 Toyota Landcruiser that was involved in an accident in December, 2009. Ellison contacted his automobile insurer, USAA and made a claim for repairing the damage to his vehicle. After reviewing the claim, USAA determined that Ellison's car was totaled. Ellison disagreed with this

* Retired Senior Judge assigned to the Superior Court.

determination and expended various sums of money in an attempt to salvage his vehicle.

Ultimately, Ellison filed a *pro se* complaint against Josue, as President and CEO of USAA, and USAA itself, alleging multiple causes of action. Josue and USAA responded by filing preliminary objections. On January 17, 2012, the trial court entered an order sustaining Josue's and USAA's preliminary objections and dismissed Ellison's complaint. This timely appeal followed.

Ellison's appellate brief submitted to this Court contains substantial defects, which hamper meaningful appellate review of his claims. We need not catalog them here, but note the following significant defects in Ellison's brief: lack of statement of jurisdiction; lack of statement of both the scope and standard of review; lack of summary of argument, and failure to attach a copy of the lower court's opinion or statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). **See** Pa.R.A.P. 2111.

More importantly, Ellison's legal argument is wholly undeveloped. It contains citations to several authorities, often in incorrect formats, but makes no attempt to apply these authorities to the present case. **See** Pa.R.A.P. 2119(b). By and large, Ellison's brief consists of four pages of Ellison's various disagreements with USAA and over 100 pages of exhibits

that are not part of the certified record on appeal.¹ It further lacks any explication of the issues he seeks to raise on appeal.

“When a party’s brief fails to conform to the Rules of Appellate Procedure and the defects are substantial, this Court may, in its discretion, quash or dismiss the appeal pursuant to Rule 2101.”

Giant Food Stores, LLC v. THF Silver Spring Development, L.P., 959 A.2d 438, 443 (Pa. Super. 2008) (citing Pa.R.A.P. 2101). Furthermore, “[w]hen issues are not properly raised and developed in briefs, when the briefs are wholly inadequate to present specific issues for review[,] a Court will not consider the merits thereof.” ***Branch Banking and Trust v. Gesiorski***, 904 A.2d 939, 942-943 (Pa. Super. 2006).

We are therefore compelled to quash this appeal as the numerous and serious defects in the brief prevent us from conducting a meaningful review.²

¹ Indeed, several of these exhibits appear to concern a dispute between Ellison and USAA regarding storm damage to Ellison’s home. It is unclear how these documents, even if they were part of the certified record, would be relevant to the issue(s) on appeal.

² “While this court is willing to liberally construe materials filed by a *pro se* litigant, we note that appellant is not entitled to any particular advantage because [he] lacks legal training. As our supreme court has explained, any layperson choosing to represent [himself] in a legal proceeding must, to some reasonable extent, assume the risk that [his] lack of expertise and legal training will prove [his] undoing.” ***Gesiorski***, 904 A.2d at 942 (citation omitted). As Ellison has chosen to proceed *pro se*, he cannot now expect this Court to act as his attorney.

J-A06013-13

Appeal quashed. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Kevin B. Smith", written over a horizontal line.

Prothonotary

Date: 5/23/2013