

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

City of Lancaster :
 :
 v. : No. 398 C.D. 2025
 : Submitted: June 16, 2026
 Irene Grivas, :
 Appellant :

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE COHN JUBELIRER

FILED: September 23, 2026

Irene Grivas, who is self-represented, appeals from an Order dated March 4, 2025 (Order),¹ entered by the Lancaster County Court of Common Pleas (trial court), granting the City of Lancaster's (City) request for preliminary injunctive relief to enforce an administrative condemnation against Grivas, as owner and landlord of a condemned residential property located in the City. The action arose as a result of Grivas' refusal to allow the City to re-secure the Property after it granted Grivas' request for temporary access to check its condition in freezing temperatures. The City filed a motion for preliminary injunction (Preliminary Injunction Motion) seeking permission to lock the Property and to enjoin Grivas' use of the Property while the administrative condemnation remained in place, which the trial court

¹ While the Order was dated March 4, 2025, we note that it was not exited until March 6, 2025.

granted pending a hearing. The trial court later held a hearing on the Preliminary Injunction Motion, after which it entered the March 4, 2025 Order maintaining the preliminary injunction. For the reasons that follow, we affirm.

I. BACKGROUND

This appeal arises from an enforcement action (Condemnation Enforcement Action) brought by the City against Grivas for non-compliance with an administrative condemnation of her residential property located at 901 Manor Street in Lancaster (Property). (Supplemental Reproduced Record (S.R.R.) at 1b-22b, 29b-30b.) The Property is improved with a semi-detached, single-family dwelling and garage. (*Id.* at 1b; Reproduced Record (R.R.) at 24.)² Grivas previously used the Property as a residential rental property. (S.R.R. at 1b; R.R. at 24.)

The City issued a notice of condemnation on September 17, 2021, which designated the Property “as unfit for human habitation and occupancy.” (*Id.* at 10b-14b.) The notice of condemnation set forth Lancaster City Property Maintenance Code³ violations related to, *inter alia*, rodent harborage and infestation, improper removal of trash and debris, plumbing system hazards, and electrical system hazards. (*Id.*) The notice of condemnation further directed that the Property be vacated “until the violations have been eliminated and a [c]ertificate of [h]abitability is issued . . . or, if a building permit is issued, a certificate of occupancy” (*Id.* at 10b.) Grivas filed an appeal of the notice of condemnation, which was denied by the City Board

² The pages in the Reproduced Record are not numbered as required by Pennsylvania Rule of Appellate Procedure 2173. *See* Pa.R.A.P. 2173 (“[T]he pages of . . . the reproduced record . . . shall be numbered separately in Arabic figures . . . : thus 1, 2, 3, etc., followed . . . by a small a, thus 1a, 2a, 3a, etc. . . .”). Therefore, this Court references electronic pagination herein.

³ PROPERTY MAINTENANCE CODE OF THE CITY OF LANCASTER, §§ 223-1-223-4 (2018), *as amended*.

of Appeals. (*Id.* at 3b, ¶¶ 12-14 and 16b; R.R. at 30.) Grivas did not appeal that denial to the trial court.⁴ (Trial Ct. Op. at 1.)

Prior to this action, the City filed a **separate** public nuisance action in the trial court on September 21, 2021, based primarily on the rodent infestation (Public Nuisance Action). (S.R.R. at 2b, ¶ 11.) During the pendency of the Public Nuisance Action, in November 2023, the City re-secured the Property after City staff had observed that the condemnation placard and the City's lock securing the front door had been removed. (*Id.* at 58b-59b; R.R. at 34-35.) At that time, the City sent Grivas' then-counsel a letter detailing City staff's concerns flowing from an inspection pursuant to an administrative warrant, that (1) the Property contained belongings of residential tenants notwithstanding the administrative condemnation, and (2) construction work had begun without a permit. (S.R.R. at 58b.) By Order dated November 7, 2024, the trial court dismissed the Public Nuisance Action, including Grivas' counterclaim, after the rodent infestation had been abated. (*Id.* at 2b, ¶ 11 n.2; 19b-20b.) Grivas appealed the November 7, 2024 Order and several interlocutory orders in the Public Nuisance Action.⁵ (*Id.*) The consolidated appeal in Public Nuisance Action was **not consolidated with the instant appeal** of the Condemnation Enforcement Action, despite repeated requests by Grivas. On November 18, 2024, the City sent Grivas a letter warning that the trial court's

⁴ Because Grivas did not appeal the City Board of Appeals' decision, the administrative condemnation is final, and neither the trial court nor this Court have jurisdiction to lift it. We have carefully reviewed the trial court's Rule 1925(a) Opinion and believe that it has ably addressed this issue. (Trial Ct. Op. at 5-7.)

⁵ A consolidated appeal involving the Public Nuisance Action is docketed with this Court at Docket Nos. 1399 C.D. 2024 and 1703 C.D. 2024. This Court affirmed the trial court's dismissal of Grivas' counterclaim and its issuance of certain orders in the Public Nuisance Action. *See City of Lancaster v. Irene Grivas* (Pa. Cmwlth., No. 1399 C.D. 2024, filed August 4, 2026), slip op. at 19.

dismissal of the Public Nuisance Action “**has no impact on the condemned status of [the] Property**” and that the Property “remains condemned and may not be occupied until [she] take[s] appropriate steps for the condemnation to be lifted and an occupancy license is issued.” (*Id.* at 18b (emphasis in original).)

On January 20, 2025, Grivas emailed City staff requesting access to the Property, citing concerns regarding winterization of the Property in freezing temperatures. (*Id.* at 80b.) The City responded that it was willing to provide Grivas access to the Property on the morning of January 21, 2025, to be re-secured in the afternoon of the same day. (*Id.* at 79b.) Grivas responded that she was not in agreement that the City had authority to secure the Property “without a court order that allows the [C]ity doing so . . . [s]pecifically, when there is not a current injunction in place.” (*Id.*) Following this exchange, City staff unlocked the Property and granted Grivas temporary access to check the Property’s condition, after which Grivas refused to permit them to re-secure the Property with City locks. (*Id.* at 81b.) On January 23, 2025, the City wrote Grivas advising her of its authority to re-secure the Property and a deadline for her to comply with its efforts to do so:

This letter is to advise that the City has the right to re-secure your Property based on the existing and continuing condemnation. With temperatures to warm over the weekend, the City intends to re-secure the Property on Monday, January 27, 2025.

I am asking you to respond to me by 5 p.m. on Friday, January 24, 2025, to confirm an agreeable time for City inspectors to re-secure the Property on Monday, January 27. If you do not respond to this letter, or you respond by again refusing to allow the City to lock the Property, the City reserves the right to seek all available legal remedies to enforce the condemnation and re-secure the Property.

(*Id.*)

After Grivas did not permit the City to re-secure the Property, the City initiated the instant Condemnation Enforcement Action by filing a complaint (Complaint) on February 6, 2025. (*Id.* at 1b-22b.) The City contemporaneously filed the Preliminary Injunction Motion. (*Id.* at 23b-28b.) The trial court granted the Preliminary Injunction Motion pending a hearing by Order dated February 12, 2025, which (1) enjoined Grivas from using the Property for residential occupancy or any other purpose until such time as all violations of the City Ordinances have been abated and a certificate of occupancy issued; (2) directed the City to lock and secure the Property while it remains subject to the administrative condemnation; and (3) scheduled a hearing on the Preliminary Injunction Motion. (Original Record (O.R.) Item 4.) On February 14, 2025, Grivas filed a Petition to Lift Administrative Condemnation (Petition to Lift Condemnation), followed by a “Motion to Dismiss Preliminary Injunction and New Complaint with Prejudice” (Motion to Dismiss) on February 24, 2024. (O.R. Items 7, 9.)

On March 4, 2025, the trial court held a hearing on the Preliminary Injunction Motion, during which Grivas and Randy King, the City’s Bureau Chief of Property Maintenance and Housing Inspections, testified. (R.R. at 1-165.) Following the hearing, the trial court issued the March 4, 2025 Order that is the subject of this appeal, maintaining the preliminary injunction.⁶ (O.R., Item 14; S.R.R. at 84b.) The Order further directed as follows:

(1) [Grivas] shall be enjoined from using the [P]roperty . . . for residential occupancy or any other purpose until such time as all

⁶ We note that throughout her Briefing and other filings, Grivas refers to this preliminary injunction as the “third injunction,” based on the trial court having previously entered two injunctions in the separate Public Nuisance Action. Because this action is not consolidated with the Public Nuisance Action, we decline to follow Grivas’ naming convention and will refer to this injunction simply as “the preliminary injunction.”

violations of City Ordinances have been abated and a Certificate of Occupancy has been issued.

(2) The City [] is permitted to lock and secure the Property while the Property remains subject to an administrative condemnation.

(Id.)

The next day, the trial court denied Grivas' Petition to Lift Condemnation while holding a ruling on her Motion to Dismiss in abeyance, treating the Motion to Dismiss as an "Answer" to be addressed at a final hearing on the City's Complaint seeking a permanent injunction. (O.R. Item 13; S.R.R. at 85b-86b.) In that order, the trial court found that Grivas "is **fully aware that the [trial court] does not have jurisdiction regarding the administrative condemnation** of her Property by the City . . . as she did not appeal the adverse decision by the [] City Housing Code Board of Appeals" and that Grivas "**deliberately disregarded**" the administrative condemnation, such that "contempt of court powers are needed to ensure [Grivas'] compliance." (O.R. Item 13; S.R.R. at 85b (emphasis added).) The order also scheduled a permanent injunction hearing for June 3, 2025, with the hope that this 90-day period would "allow enough for [Grivas] to work with the City to address the violations of City ordinances and obtain a Certificate of Occupancy so that her Property is no longer subject to condemnation." (*Id.*) On March 11, 2025, Grivas filed a "Motion to Vacate Void Order of March 4, 2025," seeking to vacate the Order for lack of jurisdiction due to the then-pending appeal in the Public Nuisance Action. (*Id.*, Item 15.) The trial court denied the Motion to Vacate on March 14, 2025. (*Id.*, Item 16.)

Grivas filed a Notice of Appeal of the March 4, 2025 Order on March 26, 2024. (*Id.*, Item 18.) Grivas filed a statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) (Rule 1925(b) Statement), which raised 10 issues.

(*Id.*, Item 20.) The trial court issued its Pa.R.A.P. 1925(a) Opinion on May 29, 2025. (*Id.*, Item 22.) As noted by the trial court, the issues in Grivas’ Rule 1925(b) Statement do not address the merits of the injunctive relief issue, but rather, focus on other issues such as jurisdiction and other motions that Grivas filed after the granting of the Preliminary Injunction Motion. (Trial Ct. Op. at 5-6 (footnotes omitted); O.R., Item 20.)

II. PARTIES’ ARGUMENTS

Grivas argues that the trial court lacked jurisdiction over this action due to the then-pending appeal of the Public Nuisance Action to this Court. (Grivas’ Brief (Br.) at 11.) Grivas further argues that this action is barred by the doctrines of *res judicata* and collateral estoppel because the trial court previously dismissed the separate Public Nuisance Action, involving identical parties, issues, and claims. (*Id.* at 12-14.) In a similar vein, Grivas argues that this action is moot based on the dismissal of the Public Nuisance Action and, therefore, the City’s pursuit of a duplicative action amounts to improper forum-shopping and an abuse of process. (*Id.* at 11-12, 14-15, 19-20.) Grivas also argues the trial court erred in its handling of several motions. Specifically, she claims that the trial court violated her due process rights by (1) having not yet ruled on her Motion to Dismiss, and (2) denying her Motion to Vacate and Petition to Lift Condemnation⁷ without a written explanation for the denial. (*Id.* at 7, 9, 15-17.)

⁷ We note that in some sections of Grivas’ Brief, she complains that the Petition to Lift Condemnation was **denied** without explanation, (Grivas’ Br. at 7-9), while in others, she complains that the same petition never received a ruling, (*id.* at 15-16). Because the Petition to Lift Condemnation was **denied** by the trial court’s order dated March 5, 2025, we will address Grivas’ arguments related to denial of this petition only and not those related to a non-ruling.

The City responds that the pending appeal in the Public Nuisance Action did not deprive the trial court of jurisdiction over this Condemnation Enforcement Action because Pennsylvania Rule of Appellate Procedure 1701(a)'s requirement that a trial court not proceed further in a matter once an appeal is taken only applies where an appeal is taken in the same proceeding. Pa.R.A.P. 1701(a). (City's Br. at 24-25.) The City further responds that the two actions are legally distinct and based on different sets of operative facts so as to defeat *res judicata* and/or collateral estoppel, insofar as the Public Nuisance Action sought to abate all public nuisances at the Property, including a rodent infestation, while the instant Condemnation Enforcement Action asserted no public nuisance claim and sought only to compel Grivas to abide by the existing administrative condemnation and return access to the Property to the City. (*Id.* at 23-24.) Further, the City contends that Grivas has waived any arguments concerning the merits of the trial court's Order granting the preliminary injunction, as her Rule 1925(b) Statement is silent as to any issues related to these merits. (*Id.* at 25.) Alternatively, the City argues that even if Grivas had preserved arguments against the merits of the preliminary injunction, the record supports the trial court's finding that the City met the elements of preliminary injunctive relief. (*Id.* at 26-30.) Finally, the City argues that Grivas' appeal should be quashed or dismissed due to the volume of procedural defects in her Brief and the Reproduced Record, including the inclusion of extra-record documents attached to her Brief. (*Id.* at 30-39.)

In her Reply Brief, Grivas reiterates that this Court should consider the Public Nuisance Action and Condemnation Enforcement Action as constituting a "single, continuous controversy" such that the doctrines of *res judicata*, collateral estoppel, and mootness, as well as the appeal in the Public Nuisance Action, preclude City

from pursuing the Condemnation Enforcement Action. (Grivas’ Reply Br. at 13, 15-16.) Grivas replies that she waived no issues concerning injunctive relief, as her Rule 1925(b) Statement “necessarily implicate[d]” whether injunctive relief was proper. (*Id.* at 14.) As to the merits, she argues that the City’s evidence at the hearing, including “outdated and misleading” photographs, did not establish that the City met the elements for preliminary injunctive relief. (*Id.* at 2-4, 17-18.) In response to the City’s request that we quash or dismiss her appeal, Grivas argues that any minor deviations from the Rules of Appellate Procedure should be overlooked by this Court, given that the procedural errors alleged by the City do not prevent meaningful review. (*Id.* at 16-17.) Finally, Grivas asserts that various omissions in the transcript from the March 4, 2025 hearing,⁸ as well as challenges she faced in the permitting process, difficulties in placing a resolution concerning the Property on the City Council agenda, and the trial court Judge having temporarily left the bench to address another matter during the hearing, are all evidence of irregularities warranting remand. (*Id.* at 19-20.)

⁸ We note that Grivas has already argued in various applications to this Court that the transcript of the March 4, 2025 hearing contains omissions which render it incomplete or inaccurate, including in her first and second “Application[s] to Correct the Record Pursuant to Pa.R.A.P. 1926” filed July 10, 2025, and July 15, 2025. This Court denied these applications in a July 31, 2025 Memorandum and Order, which considered the same arguments concerning alleged transcript omissions that Grivas raises now and ruled as follows: “Having reviewed the hearing transcript, the Court concludes that [Grivas’] allegations are meritless” (7/31/25 Mem. & Order.) Where we have already rejected the argument that the March 4, 2025 hearing transcript is materially inaccurate and incomplete, we will not address it further here.

III. DISCUSSION⁹

A. City's Request to Quash and/or Dismiss Appeal

Before we reach the merits, we will first address the City's request that this Court quash¹⁰ and/or dismiss Grivas' appeal due to procedural defects in her Brief and Reproduced Record and violations of this Court's Orders. Pursuant to Pa.R.A.P. 2101, if an appellant's brief and reproduced record do not conform "in all material respects" with the requirements of the Pennsylvania Rules of Appellate Procedure, the brief and reproduced record "**may** be suppressed, and, if the defects . . . are **substantial**, the appeal or other matter **may** be quashed or dismissed." Pa.R.A.P. 2101 (emphasis added). That said, "this Court will not dismiss an appeal because a pro se brief fails to comply with the Rules of Appellate Procedure where the noncompliance does not impede our ability to conduct meaningful appellate review[.]" *Askew v. Pa. Off. of Governor*, 65 A.3d 989, 991 (Pa. Cmwlth. 2013) (citing *Richardson v. Pa. Ins. Dep't*, 54 A.3d 420, 425-26 (Pa. Cmwlth. 2012)).

Here, the City asserts that Grivas' Brief and Reproduced Record violate numerous sections of the Pennsylvania Rules of Appellate Procedure.¹¹ (City's Br.

⁹ We have reordered and consolidated the issues for ease of review.

¹⁰ We note that although Pa.R.A.P. 2101 provides for both quashal and dismissal of briefs and there is precedent for quashing substantially defective briefs, *see, e.g., Kochan v. Dep't of Transp.*, 768 A.2d 1186, 1189 (Pa. Cmwlth. 2001), our Supreme Court has held that quashal is inappropriate when the court has jurisdiction over the appeal and only violations of procedural rules are at issue, *see Sahutsky v. H.H. Knoebel Sons*, 782 A.2d 996, 1001 n.3 (Pa. 2001); *Kurtas v. Kurtas*, 555 A.2d 804, 806 (Pa. 1989); *Sagamore Hills Homeowners Ass'n v. Whitney*, 349 A.3d 472, 473 n.1 (Pa. Cmwlth. 2025). Accordingly, we deny the City's request that we quash on procedural grounds but will address the request for dismissal herein.

¹¹ Specifically, the City asserts that Grivas' Brief violates the following Rules of Appellate Procedure: (1) Pa.R.A.P. 2111(a); (2) Pa.R.A.P. 2114; (3) Pa.R.A.P. 2115; (4) Pa.R.A.P. 2117(a)-(b); (5) Pa.R.A.P. 2119(a); and (6) Pa.R.A.P. 2132(a). (City's Br. at 30-37.) The City also argues that Grivas' Reproduced Record fails to comport with: (1) Pa.R.A.P. 2152; (2) Pa.R.A.P. 2171(b); (3) Pa.R.A.P. 2173; and (4) Pa.R.A.P. 2175(a). (*Id.* at 37-39.)

at 30-39.) Although we agree that Grivas’ Brief and Reproduced Record do not strictly comply with most (if not all) of the rules identified by the City, we decline to dismiss Grivas’ appeal on these procedural grounds. Although Grivas’ Brief does not strictly comply with the applicable Rules of Appellate Procedure, the Court is able to meaningfully address the merits of the appeal. We also decline to reject the Reproduced Record¹² for these same reasons, notwithstanding that the City correctly identifies several examples of such noncompliance with the Rules and our prior Orders. Accordingly, under these circumstances, the Court will address the arguments raised by Grivas in her Brief to the extent that we are able to do so.

B. Jurisdiction – Effect of Pending Public Nuisance Action Appeal

Grivas contends that the then-pending appeal in the Public Nuisance Action deprived the trial court of jurisdiction to proceed in this action, pursuant to Pennsylvania Rule of Appellate Procedure 1701(a), Pa.R.A.P. 1701(a). Rule 1701(a) provides that, “[e]xcept as otherwise prescribed by these rules, after an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may no longer proceed further **in the matter.**” Pa.R.A.P. 1701(a) (emphasis added). By its plain language, Rule 1701(a) only divests a trial court of

¹² For clarity, we note that our December 17, 2025 Memorandum and Order found that Grivas’ Reproduced Record consists only of a single document—the March 4, 2025 hearing transcript filed October 20, 2025. (12/17/25 Mem. & Order at 2 n.1, 5.) While the City’s Brief refers to the exhibits appended to Grivas’ Brief as if part of the Reproduced Record, our December 17, 2025 Memorandum and Order determined that these exhibits are not part of the original record in this action and violate Pennsylvania Rule of Appellate Procedure 2171(b), Pa.R.A.P. 2171(b), to the extent that Grivas’ Brief, combined with these exhibits, exceeds 100 pages. (*Id.* at 5-6.) To the extent that the City’s Brief cites its then-pending November 12, 2025 Motion to Strike and argues that we should not consider extra-record material submitted by Grivas, we have since granted this Motion by Memorandum and Order dated December 17, 2025, and will not consider materials that are not part of the original record. *See Brown v. Unemployment Comp. Bd. of Rev.*, 276 A.3d 322, 331 n.13 (Pa. Cmwlth. 2022) (“It is well-settled that the Court may not consider extra-record evidence that is not part of the record on appeal.”).

jurisdiction to proceed where an appeal is filed **in that same matter**, saying nothing regarding the effect of pending appeals involving **separate matters** in unrelated dockets. *Id.*

Here, the appeal that Grivas claims deprived the trial court of jurisdiction to proceed with its grant of injunctive relief was filed in the Public Nuisance Action—a matter entirely **separate** from the Condemnation Enforcement Action before the trial court. As set forth above, **the separate trial court dockets were never consolidated**. Further, the consolidated appeal of the Public Nuisance Action, at Docket Nos. 1399 C.D. 2024 and 1703 C.D. 2024, was not consolidated with this matter on appeal. Accordingly, Rule 1701(a) did not deprive the trial court of jurisdiction to proceed with granting preliminary injunctive relief in the Condemnation Enforcement Act during the pendency of the entirely separate Public Nuisance Action appeal.

C. Res judicata, Collateral Estoppel, and Mootness

Grivas argues that the trial court’s dismissal of the Public Nuisance Action had a preclusive effect on the Condemnation Enforcement Action, whether pursuant to the doctrines of *res judicata*, collateral estoppel, or mootness. We will first address the related concepts of *res judicata* and collateral estoppel.

“At the outset, we note that technical *res judicata* (claim preclusion) and collateral estoppel (issue preclusion) are ‘related, yet distinct’ components of the doctrine known as *res judicata*.” *Robinson v. Fye*, 192 A.3d 1225, 1231-32 (Pa. Cmwlth. 2018) (quoting *J.S. v. Bethlehem Area Sch. Dist.*, 794 A.2d 936, 939 (Pa. Cmwlth. 2002)). *Res judicata* “is a doctrine by which a former adjudication bars a later action on all or part of the claim which was the subject of the first action.” *Balent v. City of Wilkes-Barre*, 669 A.2d 309, 313 (Pa. 1995). “Any final, valid

judgment on the merits by a court of competent jurisdiction precludes any future suit between the parties or their privies **on the same cause of action.**” *Id.* (citation omitted) (emphasis added). *Res judicata* applies:

only when there exists a coalescence of four factors: (1) identity of the thing sued upon or for; (2) identity of the causes of action; (3) identity of the persons or parties to the action; and (4) identity of the quality or capacity of the parties suing or being sued.

Robinson, 192 A.3d at 1231 (internal quotation marks omitted). “Beyond precluding just those claims that were “actually litigated” in the first adjudication, *res judicata* also precludes those ‘claims which **could have been litigated** during the first proceeding if they were part of the same cause of action.’” *Id.* (emphasis in original) (quoting *Balent*, 669 A.2d at 313). “Moreover, where ‘**the same evidence** is required to support a final determination in a former action and in a subsequent action, *res judicata* bars the second action.’” *Id.* (emphasis added) (quoting *Commonwealth ex rel. Bloomsburg State Coll. v. Porter*, 610 A.2d 516, 520 (Pa. Cmwlth. 1992)).

Collateral estoppel, or issue preclusion, “holds that when a particular issue has already been litigated, further action on the same issue is barred.” *McNeil v. Owens-Corning Fiberglas Corp.*, 680 A.2d 1145, 1148 (Pa. 1996). Specifically, collateral estoppel prevents relitigation of issues of fact in a subsequent suit where, in a prior suit:

these (1) same issues were (2) “necessary to [a] final judgment on the merits . . . [and (3)] the party against whom [issue preclusion] is asserted [was] . . . a party, or [was] . . . in privity with a party[] to the prior action and . . . [(4)] had a full and fair opportunity to litigate the issue in question[.]

Robinson, 192 A.3d at 1232 (alterations and omissions in original) (quoting *Balent*, 669 A.2d at 313). “Collateral estoppel is designed to “protect[] litigants from assuming the burden of re-litigating the same issue with the same party . . . and [to] promot[e] judicial economy through preventing needless litigation.” *Id.* (alterations and omissions in original) (quoting *McNeil*, 680 A.2d at 1148).

Here, Grivas’ arguments concerning *res judicata* and collateral estoppel are premised on her belief that the Public Nuisance Action and the Condemnation Enforcement Action raise “the same cause of action,” “identical claims,” and “identical factual allegations that were extinguished by the November 7, 2024 dismissal [of the Public Nuisance Action].” (Grivas’ Br. at 10, 18.) In so characterizing the two actions, Grivas fundamentally misunderstands the nature of each. While the parties and certain underlying facts—such as the fact of her code violations and the finality of the administrative condemnation—are the same for both actions, the Public Nuisance Action and the Condemnation Enforcement Action involve distinct claims and issues, having arisen from disparate facts. As set forth above, the City initiated the Public Nuisance Action in 2021, by filing a complaint asserting **a claim for public nuisance** due to a rodent infestation, improper outdoor trash and debris storage, and other code violations. By contrast, the instant action was brought in 2025, by filing the Complaint, which asserted **a claim for injunctive relief** to enforce the administrative condemnation and enjoin Grivas’ use of the Property. While the City did file two injunctive relief petitions in the Public Nuisance Action, those petitions were filed based on facts predating the events that caused the City to file the Condemnation Enforcement Action. As set forth above, the instant action arose directly from Grivas’ refusal to provide access for the City to re-secure the Property **in January 2025**, after being granted temporary access to

check its condition in the freezing temperatures. But for Grivas’ conduct in **January 2025**, arising subsequent to the events (the rodent infestation, trash build-up, etc.) that gave rise to the Public Nuisance Action in 2021—which had been dismissed **since November 2024**—the City would have had no need to file the Condemnation Enforcement Action.

Given these differences, it is beyond dispute that Grivas cannot meet the *res judicata* elements that the “identity of the thing sued upon or for” and the “identity of the causes of action” be identical, even if she meets the requirement that the parties be the same. *Fye*, 192 A.3d at 1231. Grivas’ collateral estoppel arguments are without merit for similar reasons. Although Grivas argues that this action involves relitigation of the issues of “the same previously abated rodent conditions” and previously abated “public nuisance conditions,” (Grivas’ Br. at 7, 19), the City does not seek to relitigate these issues or obtain relief specific to any one condition at the Property as in the Public Nuisance Action. Rather, the issues in the Condemnation Enforcement Action are whether Grivas’ use of the Property violates the administrative condemnation and whether the City has proven the elements necessary to warrant injunctive relief. As to the “full and fair opportunity” element, the City could not have possibly had a full and fair opportunity to litigate the issues in this matter to a final judgment in the Public Nuisance Action, where, as set forth above, the facts giving rise to the instant action had not yet arisen. *Fye*, 192 A.3d at 1232.

As to mootness, Grivas does not raise this issue in her Rule 1925(b) Statement; therefore, her arguments concerning mootness are waived. *See Kull v. Guisse*, 81 A.3d 148, 160 (Pa. Cmwlth. 2013) (“Issues not included in a party’s [Rule] 1925(b) [s]tatement are waived and will not be addressed on appeal.”). Even if we were to

examine the mootness issue, Grivas’ argument is unavailing for reasons similar to why *res judicata* and collateral estoppel do not bar this action. To avoid mootness, “an actual case or controversy must be extant at all stages of review” *Pap’s A.M. v. City of Erie*, 812 A.2d 591, 600 (Pa. 2002) (quoting *In re Cain*, 590 A.2d 291, 292 (Pa. 1991)). “[T]he critical inquiry in determining whether a case has become moot is whether the court’s decision could, in substance, **accord the injured party relief.**” *Toland v. Pa. Bd. of Prob. & Parole*, 311 A.3d 649, 658 (Pa. Cmwlth. 2024), *aff’d*, 344 A.3d 744 (Pa. 2025) (emphasis added). As set forth above, this action arose because Grivas’ conduct in refusing to allow the City to re-secure the Property created an entirely **new** “actual case or controversy,” based on events occurring **after** the conclusion of the Public Nuisance Action.¹³ *Pap’s A.M.*, 812 A.2d at 600. As a result, the trial court’s decision “could, in substance, accord the injured party[, the City,] relief,” and this action was not moot.¹⁴ *Id.*

D. Motion/Petition Rulings

Grivas’ remaining issues pertain to the trial court’s handling of various other motions and petitions, including (1) the denial of her Petition to Lift Condemnation;

¹³ We remind Grivas that by her own words, she invited the City to bring the Condemnation Enforcement Action—that is, she stated that did not believe the City had authority to re-secure the Property “without a court order” or “when there is not current injunction in place.” (S.R.R. at 79b.) But for her conduct subsequent to the dismissal of the Public Nuisance Action, the City would not have had reason to file new claims against her, given that the administrative condemnation remained in place, with or without the instant action.

¹⁴ Because we conclude that the Public Nuisance Action did not have a preclusive effect on the Condemnation Enforcement Action, we reject Grivas’ arguments that the Condemnation Enforcement Action amounted to improper forum shopping, abuse of process, or a collateral attack on a final judgment, to any extent these issues are not waived for failure to raise them in her Rule 1925(b) Statement or to develop them in her Brief. *See Commonwealth v. Johnson*, 985 A.2d 915, 924 (Pa. 2009) (“[W]here an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived.”); *Kull*, 81 A.3d at 160 (“Issues not included in a party’s [Rule] 1925(b) [s]tatement are waived and will not be addressed on appeal.”).

(2) the denial of her Motion to Vacate; and (3) the lack of ruling on her Motion to Dismiss. As a threshold matter, we note that the Notice of Appeal appeals from **only** the Order dated March 4, 2025, concerning the Preliminary Injunction Motion. (O.R., Item 18.) To the extent that Grivas seeks to challenge the March 5, 2025 Order denying the Petition to Lift Condemnation and the March 14, 2025 Order denying the Motion to Vacate, these Orders are not properly before us for review. While the March 4, 2025 Order was appealable as of right because it involved an injunction, neither the March 5, 2025 Order nor the March 14, 2025 Order were final orders¹⁵ nor appealable as of right. *See* Pa.R.A.P. 311(a)(4). Accordingly, appeal from the March 5, 2025 and March 14, 2025 Orders was premature. As to the Motion to Dismiss, the trial court’s May 5, 2025 Order expressly states that the Motion to Dismiss will be “addressed at a final hearing in this matter” (previously scheduled for June 3, 2025, before Grivas appealed), making any alleged error related to this Motion premature. (O.R., Item 19.)

Even if we were to reach the merits of each of these filings, we would not find error in the trial court’s disposition or lack thereof. First, as discussed at length herein, Grivas never appealed the administrative condemnation; thus, the trial court lacked jurisdiction and did not err by denying the Petition to Lift Condemnation. Second, as to the Motion to Vacate, it sought relief on the grounds that the trial court lacked jurisdiction due to the pending appeal of the Public Nuisance Action. As set

¹⁵ “An order will be deemed ‘final’ if it (1) ends the litigation or disposes of the entire case; (2) effectively puts a litigant ‘out of court’; or (3) precludes a party from presenting the merits of his or her claim to the trial court.” *Holmes v. Bd. of Zoning Appeals City of Scranton*, 568 A.2d 301, 302 (Pa. Cmwlth. 1990). Neither the March 5, 2025 Order nor the March 14, 2025 Order satisfy these criteria, as they do not end the litigation, put Grivas “out of court,” or prevent her from presenting the merits of her claims on injunctive relief. Rather, these orders permitted the case to proceed to the next hearing, which the trial court scheduled soon after disposition of these motions/petitions.

forth above, Grivas’ jurisdictional arguments are without merit; therefore, denial of this Motion was not error. Third, Grivas argues that the trial court denied her due process by denying the Motion to Vacate and Petition to Lift Condemnation without any explanation and without a hearing.¹⁶ We note that there is no requirement that a trial court expound on its reasons for disposition via a memorandum or findings, as a trial court may do so in a Pa.R.A.P. 1925(a) Opinion. Likewise, there is no requirement that a trial court hold argument before disposition of a motion. *See* Pa.R.Civ.P. 211 (“The court may dispose of any motion without oral argument.”). Further, we note that the trial court did, in fact, offer an explanation for its Petition to Lift Condemnation in its Order dated March 5, 2025. (O.R. Item 9; S.R.R. at 85b n.1.)

E. Waiver & Merits of Injunctive Relief

Finally, as aptly noted by the trial court, Grivas’ Rule 1925(b) Statement raises no claim of error concerning the merits of the trial court’s entry of the preliminary injunction in favor of the City:

Rather than address any of the six requirements for a preliminary injunction and why they were not met by the City, [] Grivas’ [Rule 1925(b) Statement] focuses on not being able to present her case regarding the administrative condemnation Because [] Grivas never filed an appeal from the decision of the City’s Board of Appeals, the [trial] court does not have jurisdiction to hear it now and her appeal lacks merit.

(Trial Ct. Op. at 5-6 (footnotes omitted); O.R. Item 20.) Because Grivas did not preserve a challenge to the merits of the preliminary injunctive relief in her Rule

¹⁶ To the extent Grivas asserts a violation of due process because the trial court has not yet ruled on her Motion to Dismiss, the trial court expressly ordered that she would have an opportunity to be heard on this motion at a hearing. (O.R. Item 19.)

1925(b) Statement, she has waived review of the merits of the Order. *See Kull*, 81 A.3d at 160 (“Issues not included in a party’s [Rule] 1925(b) [s]tatement are waived and will not be addressed on appeal.”).¹⁷ Accordingly, where both this Court and the trial court are without jurisdiction to lift the administrative condemnation, and where we discern no error in the trial court’s grant of preliminary injunctive relief, we affirm.¹⁸

IV. CONCLUSION

Based on the foregoing, we conclude that the trial court did not err by granting the City’s Preliminary Injunction Motion. Accordingly, we affirm the trial court’s March 4, 2025 Order.

RENÉE COHN JUBELIRER, President Judge

¹⁷ Even if Grivas had properly raised, preserved, and developed her arguments against the entry of the preliminary injunction, we discern no error by the trial court based on the record before us. The trial court correctly set forth the standard for granting preliminary injunctive relief, and the record contains “reasonable grounds” to support the trial court’s conclusion a preliminary injunction was warranted. *See CKHS, Inc. v. Prospect Med. Holdings, Inc.*, 329 A.3d 1204, 1216 (Pa. 2025) (“[A]ppellate review of a trial court’s order granting or denying preliminary injunctive relief must be highly deferential to the trial court and conducted to discern whether there are ‘any apparently reasonable grounds’ to support the trial court’s order.”). Further, as set forth above, we agree with the trial court’s well-reasoned discussion concerning the finality of the administrative condemnation. (Trial Ct. Op. at 5-7.)

¹⁸ On the issue of waiver, we also note that Grivas’ arguments concerning difficulties placing a proposed resolution involving the Property on the City Council agenda and the trial court Judge having temporarily left the bench during the March 4, 2025 hearing to address another matter are not raised in her Rule 1925(b) Statement; thus, these arguments are waived. *See Kull*, 81 A.3d at 160 (“Issues not included in a party’s [Rule] 1925(b) [s]tatement are waived and will not be addressed on appeal.”). As to her arguments related to the denial of her permit applications, we note that this action does not involve any appeal of the City’s denial of permits, and this issue is not properly before us.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

City of Lancaster	:	
	:	
v.	:	No. 398 C.D. 2025
	:	
Irene Grivas,	:	
	:	
Appellant	:	

ORDER

NOW, September 23, 2026, the March 4, 2025 Order of the Court of Common Pleas of Lancaster County, entered in the above-captioned matter, is hereby **AFFIRMED**.

RENÉE COHN JUBELIRER, President Judge