IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Christopher J. Plunkett, individually and d/b/a Sawmill Campground, Appellants	:	
v.	:	No. 852 C.D. 2025
Blair County Sanitary Administration, Luke Helsel, SEO; Robert E. Smith, Jr., President; Edward M. Silvetti, Treasurer; Ralph Rispoli, Secretary; and Terry L. Heeter, Vice President	:	Submitted: September 14, 2026

OPINION NOT REPORTED FILED: November 9, 2026

MEMORANDUM OPINION
PER CURIAM

Christopher J. Plunkett, individually and d/b/a Sawmill Campground, (Appellant) appeals *pro se* from the order entered in the Court of Common Pleas of Bedford County (trial court) on April 15, 2025, sustaining the preliminary objections filed by the Blair County Sanitary Administration *et al.* (collectively, Appellees)[1] to his complaint and dismissing the action with prejudice. On appeal, Appellant challenges the trial court's dismissal of this action for his failure to effectuate proper service upon Appellees. Because Appellant has waived this issue for purposes of appellate review, we affirm.

[1] Appellees are the Blair County Sanitary Administration (Sanitary Administration), its Sewage Enforcement Officer Luke Helsel, and several former members of the Sanitary Administrative Committee. (Supplemental Reproduced Record (S.R.R.) at 184b.)

Background

The relevant facts and procedural history of this case are as follows. Appellant operates a campground on his property located in Bedford County and Appellees have repeatedly cited him for violations of sanitary sewer requirements. On July 14, 2023, Appellant filed a complaint naming Sewage Enforcement Officer Luke Helsel as the sole defendant, alleging that Mr. Helsel falsified findings of a septic leak on his property and extorted $50.00 per week in "hush money" from him over a six-month period. (S.R.R. at 6b-8b.) The certificate of service attached to the complaint indicated that Appellant sent it to Mr. Helsel by regular mail, and did not effectuate service through a sheriff.[2] (S.R.R. at 15b.)

On April 11, 2024, Appellant filed an amended complaint without seeking leave of court or opposing counsel's consent,[3] naming Mr. Helsel, Sanitary Administration, and five former Sanitary Administrative Committee members as defendants. (S.R.R. at 16b.) Appellant attached to the complaint an affidavit prepared by a process server indicating that it was hand delivered to Mr. Helsel only, and not to the other defendants. (S.R.R. at 53b.) Appellant then filed an emergency petition on June 14, 2024, alleging that opposing counsel had violated various state regulations and federal statutes, along with the Rules of Professional Conduct.

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[2] *See* Pa.R.Civ.P. 400(a) (providing that "original process shall be served within the Commonwealth only by the sheriff[,]" except under certain limited circumstances not present here). We note "that proper service is a prerequisite to a court acquiring personal jurisdiction over a defendant." *In re Sale of Real Estate by Lackawanna County Tax Claim Bureau*, 255 A.3d 619, 629 (Pa. Cmwlth. 2021).

[3] *See* Pa.R.Civ.P. 1033(a) (requiring a party to obtain either the adverse party's consent or leave of court to amend pleading).

Appellees filed a motion for sanctions on June 20, 2024, based on Appellant's repeated failure to comply with procedural rules, including Rule 400.[4] (S.R.R. at 86b.) The trial court held a hearing on the matter on July 30, 2024, at which it advised Appellant that he had not complied with the rules governing service of process and his complaint sent by regular mail to Mr. Helsel had no legal effect. The trial court additionally noted that Appellant filed his amended complaint seeking to add several defendants nearly one full year after he filed the initial complaint against only Mr. Helsel. (S.R.R. at 113b-14b.) By order entered August 1, 2024, the trial court struck Appellant's amended complaint and emergency petition from the record, and ordered him to pay $1,000.00 in attorney's fees as a sanction. (S.R.R. at 144b.)

On December 23, 2024, Appellant filed a second amended complaint, again joining defendants absent from his original pleading without leave of court or opposing counsel's consent. (S.R.R. at 146b.) The attached certificate of service indicated that Appellant again sent the complaint by regular mail to Mr. Helsel only. (S.R.R. at 165b.) Appellees filed preliminary objections (POs) to the complaint on February 10, 2025, asserting various procedural defects including improper service. The trial court held a hearing on the matter on March 25, 2025, at which Appellant maintained that he effectuated service through a constable. (S.R.R. at 260b.) On April 15, 2025, the trial court entered an order sustaining Appellees' POs and dismissing the action with prejudice. In doing so, the trial court explained:

> [Appellant] has repeatedly failed to comply with basic rules for nearly two years. To date [he] has failed to properly serve a complaint in accordance with Pa.R.Civ.P. 400. We have imposed sanctions upon [Appellant] for his failure to do so, and nonetheless [he] has still continued to file improper

[4] *See* Pa.R.Civ.P. 1023.2(a) (authorizing courts to impose sanctions for a party's failure to adhere to the Civil Rules).

> pleadings. And, as [Appellees'] counsel correctly points out, [Appellant] has repeated these same deficiencies in other related matters before this court. As a result, we find that any allowance of leave to amend would be futile.

(S.R.R. at 265b) (record citation omitted).[5]

Appellant appealed,[6] and on May 21, 2025, the trial court ordered him to file a Concise Statement of Errors Complained of on Appeal within 21 days. (Original Record (O.R.) at 445.) The order informed Appellant that "[a]ny and all issues not contained in the Statement of Errors Complained of on Appeal and/or not served in accordance with Pa.R.A.P. 1925(b)(1) shall be deemed waived." *Id.*[7]

Appellant filed his Rule 1925(b) Statement on June 2, 2025, raising 38 issues for review, all relating to the merits of the allegations contained in his complaint. Notably absent from Appellant's Rule 1925(b) Statement was any mention or discussion of the issue of service of process of the complaint. (O.R. at 447-57.) The trial court entered an opinion on June 24, 2025, in which it relied on its previous opinion to explain the rationale for its decision to dismiss the action. In its opinion, the trial court observed that, "while [Appellant] includes 38 issues in his Statement of Errors Complained of on Appeal, said issues are redundant and/or unable to be addressed on appeal." (S.R.R. at 266b); *see also* Pa.R.A.P. 1925(a).

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[5] The trial court noted that Appellant had several other civil matters pending before the court at that time, all based upon the same incidents. (S.R.R. at 265b.)

[6] While Appellant initially filed his appeal in the Pennsylvania Superior Court, our sister Court transferred the matter to this Court by order entered July 11, 2025.

[7] *See* Pa.R.A.P. 1925(b)(vii) (providing that "[i]ssues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived").

Discussion[8]

On appeal, Appellant argues the trial court erred in dismissing his complaint on the basis of improper service. Appellant contends this action must proceed on the merits because he acted in good faith in attempting service and Appellees have suffered no prejudice as a result of any service defects. (Appellant's Br., at 1-4.)[9]

Appellees rejoin that Appellant has waived this issue on appeal for his failure to include it in his Rule 1925(b) Statement. (Appellees' Br., at 17-21.) Appellees maintain that Appellant had every opportunity to raise the appropriate issues on appeal, and nonetheless failed to mention the service of process issue in his prolix, redundant Rule 1925(b) Statement.

Initially, before we may consider the issue of service, we must first determine whether Appellant preserved the issue for appeal. Rule 1925(b)(4)(ii) provides in relevant part: "The [Rule 1925(b)] Statement shall **concisely identify** each error that the appellant intends to assert with sufficient detail to identify the issue to be raised for the judge." Pa.R.A.P. 1925(b)(4)(ii) (emphasis added). The purpose of the Rule 1925(b) Statement is to clarify for the judge who issued the order the grounds on which the aggrieved party seeks appellate review, so as to facilitate the writing of the opinion. *Cummings v. Matiyasic*, 334 A.3d 85, 88 (Pa. Cmwlth. 2025).

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[8] Where a trial court dismisses a complaint based on preliminary objections, our review is limited to determining whether the trial court committed an error of law or an abuse of discretion." *Kittrell v. Watson*, 88 A.3d 1091, 1095 (Pa. Cmwlth. 2014). Additionally, "[w]hether a court may disregard a litigant's defective service of process or violation of its order is vested within the sound discretion of that court." *Konya v. District Attorney of Northampton County*, 669 A.2d 890, 892 (Pa. 1995).

[9] Appellant's remaining claims, to the extent we are able to discern them, address the merits of the allegations raised in his complaint. Because the claims are not relevant to our disposition based on procedural grounds, we do not reach them on appeal.

Additionally, as noted, Rule 1925 provides that "issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived." Pa.R.A.P. 1925(b)(4)(vii). Correspondingly, Rule 1925(b)(3)(iv) requires trial court orders directing appellants to file Rule 1925(b) Statements to advise them of the potential consequence of waiver for non-compliance. *See* Pa.R.A.P. 1925(b)(3)(iv). Furthermore, our Supreme Court requires "strict compliance with Rule 1925(b)," and a party's failure to adhere to this requirement results in waiver. *Commonwealth v. Sutton* (Pa., No. 104 MAP 2024, filed July 21, 2026), 2026 WL 2110556, at *5; *see also Commonwealth v. Hill*, 16 A.3d 484, 494 (Pa. 2011) (explaining "our jurisprudence is clear and well-settled, and firmly establishes that: Rule 1925(b) sets out a simple bright-line rule, which obligates an appellant to file and serve a Rule 1925(b) statement, when so ordered; any issues not raised in a Rule 1925(b) statement will be deemed waived; [and] the courts lack the authority to countenance deviations from the Rule's terms[.]").

Here, in accordance with Rule 1925(b)(3)(iv), the trial court ordered Appellant to file a Rule 1925(b) Statement concisely identifying the issues he wished to raise on appeal, and advising him of the potential consequence of waiver. Despite this directive and the trial court's opinion thoroughly explaining its reason for dismissing this action, (*i.e.*, Appellant's failure to effectuate proper service after repeated opportunities to cure over a one and a half year period), Appellant failed to discuss or even mention the service of process issue in his Rule 1925(b) Statement. (Rule 1925(b) Statement, 7/3/25, at 2-5.) Appellant therefore waived this issue for appellate review. *See* Pa.R.A.P. 1925(b)(4)(vii); *Sutton*, No. 104 MAP 2024, 2026 WL

2110556, at *5. Accordingly, we affirm the trial court's order dismissing his complaint with prejudice.[10]

[10] We note that Appellant also violated Rule 1925(b)'s conciseness requirement by filing a statement with 38 numbered issues, which the trial court found redundant and incapable of appropriate discussion. *See Brandywine Hospital, LLC v. County of Chester Board of Assessment Appeals*, 291 A.3d 467, 475 (Pa. Cmwlth. 2023) (determining the appellant violated Rule 1925(b)'s conciseness requirement by raising a significant number of issues that were redundant and/or not concise, thereby forcing the trial court to "plow through" a mass of issues).

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PER CURIAM

ORDER

AND NOW, this 9th day of November, 2026, the order entered in the Court of Common Pleas of Bedford County on April 15, 2025, is hereby AFFIRMED.