

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

MICHELLE BRUCE	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
	:	
RIBBON FACTORY LOFTS, LLC,	:	No. 2038 EDA 2024
RIBBON FACTORY LOFTS, RIBBON	:	
FACTORY LOFTS CONDOMINIUM	:	
ASSOCIATION, RODIN MARKET	:	
PARTNERS, LP, RODIN PLACE GP,	:	
INC., 1409 WEST BROAD, LLC,	:	
RANGER PROPERTIES, LLC,	:	
JOHN/JANE DOE #1	:	

Appeal from the Judgment Entered July 29, 2024
In the Court of Common Pleas of Philadelphia County Civil Division at
No(s): 221002511

BEFORE: LAZARUS, P.J., SULLIVAN, J., and STEVENS, P.J.E.*

MEMORANDUM BY SULLIVAN, J.:

FILED OCTOBER 27, 2026

Michelle Bruce ("Bruce") appeals from the judgment entered against her after a jury found her negligence was a 90% causal factor in the injuries she suffered when she slipped and fell on a patch of ice in the parking lot of her apartment building.¹ Bruce claims she is entitled to a new trial because the trial court erred when instructing the jury on the hills and ridges doctrine,

* Former Justice specially assigned to the Superior Court.

¹ The appeal returns to this Court following a remand for a supplemental trial court opinion, **see** Judgment Order, 2038 EDA 2024, 10/15/25, at 3, and the filing of new briefs based on the trial court's supplemental opinion.

abused its discretion when allowing a defense expert to testify and offer opinions that Bruce's negligence caused her fall, and improperly limited her cross-examination about a corporate defendant's statements on its website. Because Bruce has not shown her claims warrant a new trial, we affirm.

We summarize the factual and procedural history of this appeal from the record. Bruce had lived in the Ribbon Factory Lofts in Quakertown, and she worked the overnight shift as a nurse in the emergency room of a nearby hospital. **See** N.T., 6/26/24, at 15, 17. At the end of January into February 2021, a significant snowstorm resulted in the accumulation of some twenty-five inches of snow (the "storm"). **See id.** at 18. Approximately one week after that storm, on February 7, 2021, Bruce left her apartment to go to the hospital to work a shift that started at 7:00 p.m. **See id.** at 17-20. Bruce had forward parked in a spot in the middle of the parking lot. **See id.** at 19. Bruce described the events leading to her fall as follows:

[Bruce's counsel]. As you were walking from the door [of the apartment building] out to the parking lot and ultimately to the back of your car, did you have any issues in getting there?

A. I did not.

* * * *

Q. Do you remember having any issues getting to the back of your car?

A. To the back of my car, no.

Q. . . . [O]nce you're at the back of your car, you know, what happens next leading up to your fall?

A. [After getting to the car,] I put my backpack and my lunch in the passenger driver side door [sic²], as I always did, and then walked back to the back of my car to grab the shovel because there was a little bit of snow around my [front] tire. And then when I walked up past the driver-side door to get to my tire, I went to do my -- you know, do a first shovel. I didn't even get to do a full shovel and lift the shovel up before my right foot slipped out from under me, and I landed flat on to my, like, right side of my lower back, it hit.

* * * *

. . . When I was on the ground, I could see around me and around my tire that there was, like, a patch of ice right around that area.

N.T., 6/26/24, at 20-21. When Bruce got up, she did not notice any salt or melting agents on her clothes or on the ground in the area around the ice. **See id.** at 22. She then got into her car and went to work,³ where the pain from the fall got worse; however, she completed her shift. Bruce subsequently sought treatment and, *inter alia*, underwent three-and-a-half months of physical therapy and injections.

Bruce texted the building manager, Milosz Jagielnicki ("Jagielnicki"), a few days after she fell and informed him of her fall. Jagielnicki responded, in relevant part:

Re slippery spots. There are mountains of snow everywhere which melt. Creating slippery spots. We try to salt it as much as we can and I promise I will try to do a better job. Unfortunately it's not a lowes parking lot where there are no cars and you can plow the

² Bruce later clarified this meant the passenger's side door. **See** N.T., 6/26/24, at 21.

³ Bruce did not finish shoveling the pile of snow that had been by her tire. **See** N.T., 6/26/24, at 70. Aside from the pain caused by the fall, Bruce managed to get up, get into her car, and pull out of the parking spot without problems. **See id.**

whole thing. You need to deal with cars being parked. Once people clear their cars that leave more snow all over.

Exhibit P-37; N.T., 6/24/24, Jury Trial, at 48.

Bruce commenced the instant action with the filing of a complaint. Bruce named multiple entities associated with the Ribbon Factory Lofts as defendants, but she later stipulated to the withdrawal of her claims as to all but two defendants: 1409 West Broad, LLC, which owned the Ribbon Factory Lofts, and Ranger Properties, LLC ("Ranger"), which managed Ribbon Factory Lofts (hereinafter, collectively "Appellees"). **See** Stipulation to Amend Pleadings, 2/1/23.

Late in the pre-trial proceedings, Appellees obtained a liability expert, Ken Boegeman, Jr. ("Boegeman"), who, in lieu of a full expert report, authored a three-page letter ("letter") that summarized the information he reviewed in the case, his background in snow and ice management, and the following opinions:

Based on my review of the documents listed above, my extensive expertise in the snow removal and ice management industry, as well as the opinions and observations detailed above, I have concluded within a reasonable degree of professional certainty:

- 1.) [Appellees'] methodology and performance of snow and ice management services in the days and hours prior to the incident were within common industry practice.
- 2.) Multiple freeze / thaw cycles occurred in the days preceding the incident.
- 3.) [Bruce] had no difficulty traversing the area between the building and her vehicle.
- 4.) [Bruce] had no difficulty traversing the area around her vehicle.

5.) [Bruce] elected to perform snow and ice management services of her own free will.

6.) [Bruce] slipped and fell while performing snow and ice management services.

7.) [Bruce] was able to drive to work without completing the snow and ice management services she decided to undertake.

8.) Had [Bruce] not decided to, of her own free will, undertake snow and ice management services, she would not have fallen and this incident would have been avoided.

Boegeman's Letter, dated 4/4/24, at 1-3 (attached as Exhibit A to Bruce's Motion *in Limine*, 5/17/24).

Bruce filed a motion *in limine* to preclude Boegeman from testifying at trial or to limit his testimony. **See** Bruce's Motion *in Limine*, 5/17/24, at 1-2, 5-6, 9-12. However, before the trial court heard arguments on Bruce's motion, Bruce and Appellees took Boegeman's videotaped deposition in anticipation of trial. **See** N.T., 6/24/24, Motions and Opening Jury Instructions, at 33.

Immediately before the scheduled jury trial, the trial court heard arguments on Bruce's motion *in limine*, and Bruce argued for the preclusion of Boegeman's deposition testimony. Bruce asserted Boegeman's letter did not meet Pennsylvania standard for expert reports and his opinions concerning what Bruce was doing when she fell had "nothing to do" with his qualifications concerning snow and ice management. **Id.** at 20, 30-31. The trial court acknowledged Bruce's arguments were valid, but the court noted that it did not want to "wade into the weeds" when Bruce had the opportunity to cross-

examine Boegeman at the deposition and, presumably, exposed the weaknesses in his conclusions such that Bruce could argue the defects in his opinions to the jury. **See id.** at 33-34. Notably, Bruce's arguments concerning the admissibility of Boegeman's testimony appeared to focus on the deficiencies in Boegeman's letter, and she cited no specific portion of Boegeman's deposition she sought to limit, if the jury heard Boegeman's testimony.

At trial, Bruce proceeded on a theory that Appellees, through their corporate designee and the building manager, Jagielnicki, were aware of thawing and refreezing of runoff from the "mountains" of snow left from clearing the parking lot from the storm the week before Bruce's fall but did nothing to keep the parking lot safe. **See** N.T., 6/24/24, Opening Statements, at 6-8, 9-17. Bruce claimed that after the storm, Appellees haphazardly created piles of snow, which formed the slippery spot on which Bruce fell. **See id.** at 17. Bruce emphasized Appellees did not conduct a survey to determine where to pile snow and relied on employees or agents with no formal training in snow management; Bruce further highlighted Appellees had no documents or bills evidencing its maintenance of the parking lot after storm and its efforts to address the thaw and refreeze cycle before Bruce fell. **See id.** at 11-13; N.T., 6/28/24, Vol. II, at 16-27.⁴ During her examination as on cross of

⁴ There are two separate transcripts bearing the June 28, 2024 date and labelled "Trial (Jury) Volume 1." We refer to the transcript containing the closing arguments, trial court's charge, and the verdict as Volume II.

Jagielnicki, Bruce question him about a statement on Ranger's website that Ranger was "intensely focused on the bottom line" of the properties it managed; Appellees objected and argued the question went to Appellees' finances and "return on investment;" after Bruce responded that the Ranger's "corporate policy" showed a "lack of action . . . because they are trying to save money[,] " the trial court precluded the line of inquiry as "conjecture." N.T., 6/24/24, Jury Trial, at 25-30.

Appellees, in their defense, asserted they complied with industry standards and cleared the parking lot such that Bruce was able to walk to, and around, her car. **See** N.T., 6/24/24, Opening Statements, at 32-34. Appellees emphasized Bruce fell when she went to shovel the small pile of snow by her front tire after she safely walked to and around her car. **See id.** at 33-35. Appellees asserted Bruce breached her corresponding duty to make sure the area around the spot she intended to shovel was safe and clear. **See id.** at 36. Through opening statements and cross-examination of Bruce, Appellees presented that on the day of Bruce's fall, there had been a fresh snow fall, which Appellees' counsel implied, resulted in five inches of accumulation. **See id.** at 32; N.T., 6/26/24, at 92-93.⁵ At the end of

⁵ A review of the record reveals some evidence it had snowed on the day when Bruce fell. This included Appellees' cross-examination of Bruce using her prior deposition testimony that it had snowed that day and Jagielnicki's testimony that, after his deposition, he obtained information that it had snowed on the day Bruce fell. **See** N.T., 6/26/24, at 57; N.T., 6/24/24, Jury Trial, at 128. However, there was no evidence of an accumulation or the depth of the
(Footnote Continued Next Page)

Appellees' case in chief, Appellees played Boegeman's videotaped deposition to the jury. **See** N.T., 6/28/24, Vol. I, at 8-9.

Appellees requested a hills and ridges jury instruction. **See** Appellees' Proposed Points for Charge, 6/26/24, No. 8. Bruce objected and argued the hills and ridges doctrine did not apply because she fell on an isolated patch of ice and did not allege general slippery conditions in the parking lot. **See** N.T., 6/28/26, Vol. I, at 57-59. Appellees responded the instruction was proper due to evidence of fresh snow that accumulated shortly before Bruce fell. **See id.** at 60-61. The trial court concluded it would give the instruction because Bruce presented no evidence to show that "anybody went between her car, left the snow unshoveled [or] had somehow dropped water." **Id.** at 59. Bruce then argued that if the court gave a hills and ridges instruction, it should also read to the jury the exceptions to the application of the doctrine. **See id.** at 73-75. The court denied that request, indicating "it clearly had snowed and there was snow and presumably ice in that parking [lot]" and there was no evidence of human intervention causing the icy patch on which Bruce fell. **Id.** at 75-77. Bruce did not renew her objections to the hills and ridges instruction as given by the court, **see** N.T., 6/28/24, Vol. II, at 83-84, 90-92,⁶ but the

accumulation on the day Bruce fell. The only statement about there being five inches of snow on that day was in a question Appellees' counsel posed to Bruce during cross-examination. **See** N.T., 6/26/24, at 92.

⁶ The trial court's charge included the instructions on a duty of care and general premises liability, and the following instruction on hills and ridges:
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court repeatedly indicated that Bruce had preserved her objection during the charging conference.

The eleven-person jury retired to deliberate on a verdict sheet with special interrogatories on whether: (1) Appellees were negligent; (2) Appellees' negligence caused Bruce's injuries; (3) Bruce was comparatively negligent; and (4) Bruce's negligence caused her injuries. **See** Jury Verdict, 6/28/24, at 1-2. A fifth interrogatory asked the jury to allocate the "causal negligence" between Appellees and Bruce and stated Bruce could not recover if the jury found Bruce's causal negligence was greater than 50%. **Id.** at 2. After less than one hour of deliberations, the jury asked the court how it should report a verdict when there were: (1) two votes for, and nine votes against, finding Appellees negligent; (2) two votes for, and nine votes against, finding Appellees' negligence caused Bruce's injuries; (3) two votes for, and nine votes against, finding Bruce comparatively negligent; (4) two votes for, and

Now, one in possession of land is required to remove ice and snow that has accumulated on . . . a walking surface abutting their property within a reasonable time after they're on notice that a dangerous condition exists. To establish liability upon the land owner, [Bruce] must prove that each of the following three essentials were present: First, that ice and snow had accumulated on the walking surface in ridges or elevations that unreasonably obstructed travel and were a danger to persons traveling on that sidewalk or the walk; second, the defendant property owner knew or should have known of the existence of such conditions; and third, that it was the dangerous accumulation of ice and snow that caused Michelle Bruce to fall.

N.T., 6/28/24, Vol. II, at 76, 78-79, 82-84.

nine votes against, finding Bruce's negligence caused her injuries; but (5) ten votes for finding Bruce's causal negligence was greater than 50%. **See** N.T., 6/28/24, Vol. II, at 93-94. The jury indicated, "We all agree there is no recovery for . . . Bruce." **Id.** at 94.

When the jury returned to the courtroom for an answer, the trial court confirmed ten of the eleven jurors believed that Bruce could not recover because of her causal negligence and then instructed the jury to deliberate further on the first four questions. **See id.** at 107-10. Approximately twenty minutes later, the jury returned with a defense verdict with at least ten jurors agreeing that (1) Appellees were negligent; (2) Appellees' negligence was a cause of Bruce's injuries; (3) Bruce was comparatively negligent; (4) Bruce's negligence was a cause of her injuries; and (5) Bruce could not recover because her causal negligence was 90%, compared to Appellees' 10%. **See id.** at 121-22.

Bruce timely filed post-trial motions seeking a new trial. The trial court denied the post-trial motions, after which Bruce praeciped for the entry of judgment. Bruce timely appealed and complied with the trial court's order to submit a Pa.R.A.P. 1925(b).

Bruce presents the following issues for review:

1. Where, as here, the undisputed trial testimony established that [Bruce] slipped and fell on a localized, isolated patch of ice in a parking lot that was otherwise clear and passable; where [Appellees'] own liability expert attributed the ice to "multiple freeze/thaw cycles" occurring nearly one week after the last snowfall rather than to any recent natural accumulation; where [Appellees'] corporate representative conceded the ice resulted

from melt-and-refreeze of plowed snow piles; and where no evidence was presented that generally prevailing slippery conditions existed in the community at the time of the incident, did the trial court commit reversible error by instructing the jury on the “hills and ridges” doctrine (Pa. SSJI (Civ.) 18.90) and by failing to instruct the jury on the recognized exceptions to said doctrine, namely, that the doctrine does not apply to localized ice patches or to ice caused by human intervention?

2. Where, as here, [Appellees’] proffered liability expert, . . . Boegeman, conceded under oath that his written submission was not a “report” but merely a “summary of opinions” that contained no methodology, no factual analysis, and no basis for his conclusions as required by Pa.R.E. 702 and 705; where . . . Boegeman’s enumerated “opinions” addressed matters of common knowledge that fell outside the proper scope of expert testimony under ***Collins v. Zediker***, 421 Pa. 52 (1966); and where . . . Boegeman opined directly on ultimate legal issues—including Bruce’s alleged comparative negligence—in contravention of ***Kozak v. Struth***, 515 Pa. 554 (1987), did the trial court abuse its discretion in denying [Bruce]’s motion *in limine* and permitting said testimony in contravention of Pa. R. E. 702, 703, and 705, and in violation of the prohibition against expert testimony on ultimate issues as articulated in ***Kozak*** . . .?

3. Where, as here, [Bruce] sought to cross-examine . . . Jagielnicki concerning [Ranger’s] publicly available website statement that it is “intensely focused on the bottom line for the owners of the property, and every decision is made with that focus in mind”; where such evidence was directly relevant to whether [Appellees] prioritized cost-savings over adequate snow and ice management; and where [Bruce’s] counsel expressly disclaimed any intent to inquire into specific “figures, dollars, [or] revenues”, did the trial court abuse its discretion by sustaining [Appellees’] objection and precluding this line of cross-examination on the erroneous ground that it constituted an improper inquiry into the “financial condition” of [Appellees]?

Bruce’s Brief at 8-11 (some capitalization and record citations omitted).

Because Bruce’s issues relate to the denial of her post-trial motion requesting a new trial, the following principles govern this Court’s review:

Trial courts have broad discretion to grant or deny a new trial. The grant of a new trial is an effective instrumentality for seeking and achieving justice in those instances where the original trial, because of taint, unfairness or error, produces something other than a just and fair result, which, after all, is the primary goal of all legal proceedings. Although all new trial orders are subject to appellate review, it is well-established law that, absent a clear abuse of discretion by the trial court, appellate courts must not interfere with the trial court's authority to grant or deny a new trial.

Frisch v. James River Ins. Co., 265 A.3d 765, 771 (Pa. Super. 2021)

(indentation omitted).

When considering a request for a new trial, the trial court must engage in a two-step analysis:

First, the trial court must decide whether one or more mistakes occurred at trial. These mistakes might involve factual, legal, or discretionary matters. Second, if the trial court concludes that a mistake (or mistakes) occurred, it must determine whether the mistake was a sufficient basis for granting a new trial. The harmless error doctrine underlies every decision to grant or deny a new trial. A new trial is not warranted merely because some irregularity occurred during the trial or another trial judge would have ruled differently; the moving party must demonstrate to the trial court that he or she has suffered prejudice from the mistake.

Id. at 771. Appellate review of the trial court's analysis has two similar prongs: (1) a review of whether the trial court's decision on whether a mistake occurred; and (2) if a mistake occurred, whether harmless error occurred.

See id.

Bruce first challenges the trial court's decision to instruct the jury on the hills and ridges doctrine. The following standard governs this Court's initial review of whether the trial court's decision was mistaken:

When a court instructs the jury, the objective is to explain to the jury how it should approach its task and the factors it should consider in reaching its verdict. On review of a challenge to a jury instruction, an appellate court must determine whether the trial court abused its discretion or offered an inaccurate statement of law controlling the outcome of the case. Relief may be proper if . . . the jury was misled by the instructions A new trial must be granted if an erroneous jury instruction amounted to a fundamental error or the record is insufficient to determine whether the error affected the verdict.

Lewis v. Reading Hosp., 345 A.3d 257, 276 (Pa. Super. 2025) (citations and quotation marks omitted).

To establish liability in any negligence case, the plaintiff must prove a defendant owed the plaintiff a duty of care, breached that duty, the breach of the duty resulted in the plaintiff's injury, and the plaintiff suffered an actual loss or damages. ***See Collins v. Philadelphia Suburban Dev. Corp.***, 179 A.3d 69, 73 (Pa. Super. 2018). Generally, in slip-and-fall cases where the plaintiff is an invitee, the plaintiff must show the defendant: knows or reasonably should have known of a condition and the condition involves an unreasonable risk of harm; the defendant should expect the plaintiff will not realize the condition or fail to protect herself against it; and the defendant failed to exercise reasonable care to protect the defendant against the danger. ***See id.***

"The hills and ridges doctrine, as defined and applied by the courts of Pennsylvania, is a refinement or clarification of the duty owed by a possessor of land and is applicable to a single type of dangerous condition, *i.e.*, ice and

snow.” **Id.** at 74 (citations and quotation marks omitted). As this Court has stated:

[T]he doctrine of hills and ridges provides that an owner or occupier of land is not liable for general slippery conditions, for to require that one’s walks be always free of ice and snow would be to impose an impossible burden in view of the climatic conditions in this hemisphere. Snow and ice upon a pavement create merely transient danger, and the only duty upon the property owner or tenant is to act within a reasonable time after notice to remove it when it is in a dangerous condition.

Harvey v. Rouse Chamberlin, Ltd., 901 A.2d 523, 526 (Pa. Super. 2006) (citations, quotation marks, and brackets omitted).

However, “the hills and ridges doctrine may be applied only in cases where the snow and ice complained of are the result of **an entirely natural accumulation**, following a recent snowfall.” **Id.** (citation and quotation marks omitted). This Court has found factual issues can prevent applying the doctrine as a matter of law when, for example, additional human intervention created a danger. **See id.** at 527-28. Such factual issues include plowing which creates an artificial snowbank that the plaintiff had to avoid, or adequate salting after plowing a road to prevent the formation of black ice on which a plaintiff fell. **See id.** (discussing **Bacsick v. Barnes**, 341 A.2d 157 (Pa. Super. 1975)).

On appeal, Bruce argues the trial court erred and misled the jury when issuing its hills and ridges instruction. First, she contends the hills and ridges doctrine did not apply when the trial evidence showed she slipped on an isolated patch of ice that formed due to human intervention, *i.e.* the piling of

the snow from the storm a week earlier, and Appellees' failure to adequately salt the parking lot after plowing. **See** Bruce's Brief at 30-32. Second, she claims the court erred when it suggested she had a burden of proving the hills and ridges doctrine did not apply. **See id.** at 34-37. Third, she asserts the court abused its discretion when it refused to instruct the jury that the doctrine should not apply where ice is localized and there are no general slippery conditions in the community or when the condition is caused by a defendant's neglect. **See id.** at 32-34.

Bruce further asserts the trial court's errors were prejudicial because it allowed the jury to find for Appellees on a legal theory not applicable to the facts. **See id.** at 37. Bruce contends the instruction allowed the jury to insulate Appellees from liability because the patch of ice she slipped on had not accumulated into a hill or ridge. **See id.** Referencing the jury's questions during deliberations and the ultimate finding that her own negligence was a 90% causal factor of her injuries, Bruce claims the jury could have determined, improperly, that general slippery conditions existed, faulted her for assuming a risk, and/or that Appellees could not reasonably be expected to remove all ice. **See id.** at 38-39. Bruce concludes the trial court's instructions "had a significant prejudicial impact" because they led the jury "to believe Appellees had no duty to address isolated patches of ice resulting from their own snow removal activities." **Id.** at 38.

The trial court determined its instruction on the hills and ridges doctrine did not merit a new trial because Bruce presented no evidence that the ice on

which she slipped formed because of Appellees' "snow/ice removal or maintenance efforts." Supplemental Trial Court Opinion, 10/21/25, at 13-14. The trial court further noted Bruce did not show someone else placed the snow or ice in the spot by some other means. **See id.** at 13-14. The court concluded it properly instructed the jury on the hills and ridges doctrine because there was no evidence that the icy condition on which Bruce fell was anything other than "an entirely natural accumulation following a recent snowfall." **Id.** at 14.

Regardless of whether Appellees were entitled to a hills and ridges instruction, Bruce has not demonstrated she is entitled to a new trial based on the trial court's decision to give the instruction. As noted above, the hills and ridges doctrine precludes liability because a defendant has a limited affirmative duty. **See Collins**, 179 A.3d at 76. Although Bruce contends the hills and ridges instruction could have confused the jury into absolving Appellees of liability, the jury in this case ultimately determined that Appellees were negligent, but that negligence was only a 10% causal factor in her injury. Contrary to Bruce's claim of prejudice, the jury thus found Appellees owed her a duty of care and breached that duty, but the breach was not sufficient causal factor to merit a verdict in Bruce's favor. Under these circumstances, any error in the trial court's decision to give a hills and ridges instruction was harmless. Therefore, no relief is due. **See Frisch**, 265 A.3d at 771.

Bruce next challenges the trial court's determination to allow the jury to hear Boegeman's expert testimony.

“The admission of expert testimony is a matter committed to the discretion of the trial court and will not be disturbed absent an abuse of that discretion.” **Nobles v. Staples, Inc.**, 150 A.3d 110, 113 (Pa. Super. 2016) (citation omitted). A request to preclude testimony based on an insufficient expert report implicates the rules of discovery. **See** Pa.R.Civ.P. 4003.5 (setting forth mechanism for discovery of facts known and opinion held by an expert). Although a court may sanction a discovery violation by precluding testimony at trial, a court does not have to preclude a witness’s testimony in all circumstances. **See Miller v. Brass Rail Tavern, Inc.**, 664 A.2d 525, 530 n.3 (Pa. 1995); **Oelschlegel v. Mut. Real Estate Inv. Tr.**, 633 A.2d 181, 183 (Pa. Super. 1993) (noting that even if notice of an expert witness was technically deficient, a court “may overlook procedural errors” where there was no bad faith, where there was substantial compliance with a discovery rule’s requirements, and where there was no prejudice or surprise). “The purpose of the discovery rules is to prevent surprise and unfairness and to allow a trial on the merits.” **Sampathkumar v. Chase Home Fin., LLC**, 241 A.3d 1122, 1141 (Pa. Super. 2020) (citation omitted). “We review an evidentiary ruling resolving the admissibility of expert testimony/reports for an abuse of discretion.” **Id.** at 1140 (citation omitted).

Bruce’s arguments proceed in three parts: (1) Boegeman’s pre-trial letter was deficient; (2) Boegeman offered lay, rather than expert, opinions; and (3) Boegeman directly opined on the ultimate issues of causation and comparative negligence. **See** Bruce’s Brief at 39-40. Bruce adds the trial

court actually signed a written order after trial purporting to grant her motion *in limine* to preclude Boegeman's testimony, and she suggests that, in so doing, the court must have recognized its error in allowing Boegeman's testimony at trial.

The court responded to Bruce's assertions that Boegeman's testimony did not reflect the application of expertise, strayed into matters of common knowledge, and intruded upon the province of the jury, and noted, *inter alia*, Bruce did not corroborate her vague claims with substantive trial evidence. **See** Supplemental Trial Court Opinion, 10/21/25, at 5, 8-9. The trial court's supplemental opinion did not squarely address Bruce's claim that the court should have precluded Boegeman's testimony at trial due to the deficiencies in his pre-trial letter, nor did it explain the order it signed after trial. Nevertheless, at trial, the court acknowledged Bruce raised a "good point" about the deficiencies in Boegeman's letter but noted the parties subsequently deposed Boegeman for the purpose of trial. **See** N.T., 6/24/24, Motions and Opening Jury Instructions, at 29-34. On that basis, the court permitted testimony from Boegeman. **See id.** at 34.

To the extent Bruce contends the trial court should have precluded Boegeman's testimony in its entirety, she has not established an abuse of discretion. Whatever the defects in Boegeman's pretrial letter, the fact remains that Boegeman subsequently testified at a deposition. The parties had full notice of the substance, or lack thereof, of Boegeman's opinions and the facts in his possession. Under these circumstances, Bruce cannot claim

unfair surprise or claim bad faith on the part of Appellees or Boegeman, and the trial court did not err or abuse its discretion in rejecting Bruce's request to preclude all testimony from Boegeman based on a defective expert report. **See Oelschlegel**, 633 A.2d at 183.

As to Bruce's remaining two claims that Boegeman's actual testimony offered inadmissible lay opinions that intruded on the province of the jury, a review of the record compels the conclusion that Bruce waived those issues by failing to provide the trial court with specific objections with reference to Boegeman's deposition testimony. **See** Pa.R.A.P. 302(a); **accord** Supplemental Trial Court Opinion, 10/21/25, at 5, 8 (noting Bruce did not corroborate her vague claims with substantive trial evidence). Similarly, Bruce's brief relies heavily on the language used in Boegeman's letter and only cites to Boegeman's deposition testimony in passing. Those citations to Boegeman's deposition do not indicate where, or under what context, the jury heard the allegedly improper opinion testimony during the playing of Boegeman's deposition at trial. **See** Pa.R.A.P. 2119(c); **J.J. DeLuca Co., Inc. v. Toll Naval Associates**, 56 A.3d 402, 413 (Pa. Super. 2012). Therefore, Bruce has not preserved her remaining claims concerning the trial court's admission of the improper expert testimony, and we will not address them.

In her final challenge, Bruce asserts the trial court improperly precluded her from examining Jagielnicki, as on cross, using Ranger's "corporate philosophy" of focusing on the bottom line for the owners of the properties it manages.

The principles governing our review are as follows:

The scope of cross-examination is within the sound discretion of the trial court, and we reverse only for an abuse of discretion. In exercising this discretion, the trial court may limit cross-examination due to concerns that the matter is collateral, would likely confuse or mislead the jury, or would waste time.

Kimble v. Laser Spine Inst., LLC, 264 A.3d 782, 797 (Pa. Super. 2021).

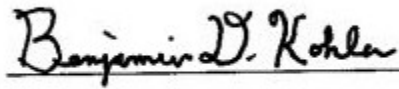
Bruce contends the trial court improperly denied her the opportunity to confront Jagielnicki, a corporate representative of Ranger, with Ranger's slogan it was "intensely focused on the bottom line for the owners of property, and every decision is made with that focus in mind." **See** Bruce's Brief at 46. Bruce claims questioning on this "corporate philosophy" was relevant to whether Appellees prioritized cost-savings over adequate snow and ice management. **See id.** She contends the court mistakenly believed cross-examination on this subject went to Appellees' financial condition or constituted a "fishing expedition." **See id.** at 46-48. She asserts the trial court's ruling resulted in prejudice because she was not allowed to develop her theory that Appellees had prioritized cost-savings, which, in turn, would have explained why Jagielnicki, or any other employees at the apartment building, had no formal education or training in snow removal, and why Appellees did not have a formal policy for snow removal and could not produce documents showing any snow removal activity on the date of the incident. **See id.** 47-49. In short, she contends the court limited her from presenting evidence "directly relevant to the standard of care." **Id.** at 47.

As noted above, the trial court, during trial, determined Bruce's offer for cross-examining Jagielnicki was "conjecture." N.T., 6/24/24, Jury Trial, at 25-30. In its supplemental opinion, the trial court further suggested that Bruce presented no specific information they wanted to elicit from Jagielnicki regarding the "website claim," and, therefore, properly precluded Bruce from conducting a fishing expedition before the jury. Supplemental Trial Court Opinion, 10/21/25, at 12.

A review of the record reveals no reason to disturb the trial court's ruling. Instantly, there was no evidence Ranger underfunded snow and ice management at Bruce's apartment. Indeed, Bruce's own testimony suggested that Appellees had removed snow and ice sufficiently enough for her to exit the building and get to her car, drop personal items in the passenger's side of the car, and walk around the back of the vehicle to the driver's side of the vehicle, all without issue. **See** N.T., 6/26/24, at 20-21. Under such circumstances, it was not an abuse of discretion for the trial court to conclude that Bruce's intended reference to Ranger's statement that it was "intensely focused on the bottom line" of the properties it managed was too conjectural to be relevant to the main issue in the case, namely, whether Appellees had adequately ensured safe passage across the parking lot on the evening she fell. Furthermore, in light of the jury's findings that Appellees were negligent, but only a 10% causal factor, Bruce's claim that the preclusion of this line of questioning was prejudicial to her case lacks merit. Thus, no relief is due.

Judgment affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/27/2026