NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

RICHARD J. PULEO, LORRAINE PULEO, AND LEWISBERRY PARTNERS, LLC Appellants v. PETER E. MELTZER, AND WEBER, GALLAGHER, SIMPSON, STAPLETON, FIRES & NEWBY, LLP	:	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 308 EDA 2026

Appeal from the Order Entered December 11, 2025
In the Court of Common Pleas of Chester County Civil Division at No(s): 2025-08429-TT

BEFORE: LAZARUS, P.J., BECK, J., and NEUMAN, J.

MEMORANDUM BY BECK, J.: **FILED NOVEMBER 16, 2026**

Richard J. Puleo ("Puleo"), Lorraine Puleo, and Lewisberry Partners, LLC ("Lewisberry") (collectively, "Plaintiffs") appeal from the order entered by the Chester County Court of Common Pleas ("trial court") sustaining the preliminary objections of Peter E. Meltzer ("Meltzer") and his law firm, Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP ("law firm") (collectively, "Defendants") and dismissing Plaintiffs' complaint with prejudice. Because we conclude that the issues Plaintiffs raise on appeal either lack merit or are waived, we affirm.

On September 5, 2025, Plaintiffs filed a complaint against Defendants in which Plaintiffs alleged that Meltzer made defamatory statements about Puleo. The alleged defamatory statements occurred in 2025 while Meltzer and

his law firm were representing U.S. Bank Trust N.A. ("U.S. Bank") in a mortgage foreclosure action in York County against Plaintiffs relating to multiple properties owned by Plaintiffs. The litigation was contentious, as Plaintiffs filed numerous counterclaims and complaints against U.S. Bank and Defendants in response to the mortgage foreclosure action. Eventually, during the mortgage foreclosure action, Plaintiffs' attorneys were no longer able to represent them and Puleo, who is a licensed attorney, began representing himself and the other plaintiffs.

In the matter underlying this appeal, Plaintiffs' complaint alleged that the following statement Meltzer made in a motion for sanctions against Plaintiffs during the mortgage foreclosure action was defamatory:

> It is indeed no surprise that the prior … law firms who were representing [Puleo], (both of whom may have fired him, or at least refused to represent him any further because of nonpayment of fees), wanted nothing to do with his totally absurd claims. What is clear however is that neither firm is representing him any further, and apparently, no other firm would represent him either, which is why he is now acting pro se.

Complaint, 9/5/2025, ¶ 9.[1]

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[1] In the complaint, Plaintiffs alleged Meltzer made two other defamatory statements regarding Puleo during the mortgage foreclosure proceedings. ***See*** Complaint, 9/5/2025, ¶¶ 20, 28. Plaintiffs, however, do not reference either of these statements in their brief before this Court and have consequently abandoned any claims relating to them on appeal. ***See generally*** Plaintiffs' Brief at 2-16. We therefore do not address them in this decision.

On October 30, 2025, Defendants filed preliminary objections in which they asserted that the statement at issue was subject to judicial privilege and could not serve as the basis of a defamation action. Plaintiffs filed a timely response. On December 11, 2025, the trial court sustained Defendants' preliminary objections and dismissed Plaintiffs' complaint with prejudice. Plaintiffs filed a motion for reconsideration, which the trial court denied. This timely appeal followed.

Plaintiffs present the following issues for our review:

> 1. Whether the trial court abused its discretion and/or erred in sustaining [Defendants'] preliminary objections and dismissing [Plaintiffs'] defamation complaint with prejudice based upon judicial privilege where the alleged defamatory statements were not pertinent and/or material to the underlying proceeding[?]
>
> 2. Whether the trial court abuse[d] its discretion and/or erred in applying absolute judicial privilege to knowingly false statements made by [Meltzer] when the statements were unrelated to any issue pending before the court[?]
>
> 3. Whether the trial court abused its discretion and/or erred in dismissing the complaint with prejudice where [Plaintiffs] sufficiently pled facts establishing that [Meltzer]'s statements fell outside the scope of protected advocacy[?]
>
> 4. Whether the trial court abused its discretion and/or committed an error of law by failing to permit [Plaintiffs'] an opportunity to amend their complaint, contrary to Pennsylvania law favoring liberal amendment[?]
>
> 5. Whether the trial court abused its discretion and/or committed an error of law violating [Plaintiffs'] due process rights by failing to provide notice of the grounds for dismissal or a reasoned explanation sufficient to allow [Plaintiffs] the opportunity to respond and therefore such failure necessitated [Plaintiffs'] filing this appeal[?]

Plaintiffs' Brief at 2-3.

Our standard of review of a trial court's grant of preliminary objections is de novo and the scope of review is plenary. ***Caltagirone v. Cephalon, Inc.***, 190 A.3d 596, 599 (Pa. Super. 2018). "Preliminary objections in the nature of a demurrer require the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer." ***Id.*** (citation omitted).

> Preliminary objections in the nature of a demurrer test the legal sufficiency of the complaint. When considering preliminary objections, all material facts set forth in the challenged pleadings are admitted as true, as well as all inferences reasonably deducible therefrom. Preliminary objections which seek the dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief. If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections.
>
> This Court will reverse the trial court's decision regarding preliminary objections only where there has been an error of law or abuse of discretion.

Godlove v. Humes, 303 A.3d 477, 481 (Pa. Super. 2023) (citations omitted).

In their first three issues, Plaintiffs argue that the trial court erred in granting Defendants' preliminary objections and dismissing Plaintiffs' complaint with prejudice as the allegedly defamatory statement was not subject to judicial privilege. ***See*** Plaintiffs' Brief at 10-15. Plaintiffs contend

that Meltzer's statement was not privileged because it was not relevant or material to the underlying mortgage foreclosure action. ***See id.***

"All communications pertinent to any stage of a judicial proceeding are accorded an absolute privilege which cannot be destroyed by abuse. Thus, statements by a party, a witness, counsel, or a judge cannot be the basis of a defamation action whether they occur in the pleadings or in open court." ***Greenberg v. McGraw***, 161 A.3d 976, 981 (Pa. Super. 2017) (citation omitted).

> The reasons for the absolute privilege are well recognized. A judge must be free to administer the law without fear of consequences. This independence would be impaired were he to be in daily apprehension of defamation suits. The privilege is also extended to parties to afford freedom of access to the courts, to witnesses to encourage their complete and unintimidated testimony in court, and to counsel to enable him to best represent his client's interests. Likewise, the privilege exists because the courts have other internal sanctions against defamatory statements, such as perjury or contempt proceedings.

Binder v. Triangle Pub., Inc., 275 A.2d 53, 56 (Pa. 1971).

This privilege, however, applies only to "those communications [that] are issued in the regular course of judicial proceedings and [that] are pertinent and material to the redress or relief sought." ***Post v. Mendel***, 507 A.2d 351, 355 (Pa. 1986) (citation omitted). Thus, where allegedly defamatory statements made "in pleadings or in the trial or argument of a case are pertinent, relevant[,] and material to any issue in a civil suit, there is no civil liability for making any of them." ***Id.*** (citation omitted). Additionally, this Court has stated that "the privilege extends not only to communications made

in open court, but also encompasses pleadings and even less formal communications such as preliminary conferences and correspondence between counsel in furtherance of a client's interest." ***Greenberg***, 161 A.3d at 982 (citation omitted).

In concluding that Meltzer's statements were privileged, the trial court explained:

> It is clear from the face of the complaint that [Meltzer]'s statements are entitled to the full protection of the judicial privilege. [Plaintiffs] argue in their response to the preliminary objections that the statements were not pertinent and material to the relief sought. Each of [Meltzer]'s statements either suggested or averred that [Puleo] had failed to satisfy some financial obligation. These statements were made in the course of a mortgage foreclosure action. The statements are well within the bounds of pertinence to their proceedings. When read within the context of the documents in which they appear, [Meltzer]'s statements obviously are meant to point out the frivolity of [Puleo]'s strategy of litigation in the mortgage foreclosure proceedings. In a mortgage foreclosure proceeding, an institutional plaintiff's counsel alerting the presiding judge to the mortgagor defendant's attempts to frustrate the progression of the suit with frivolous and vexatious filings is, unfortunately, not an uncommon sight. Such information assists judges when considering, e.g., a motion to compel a party's compliance with a court order. The statements alleged to be defamatory were made (1) in a motion for sanctions, (2) in an emergency motion to compel compliance with a court order, and (3) in open court during a hearing upon a motion for appointment of a receiver. Absolute privilege attaches to these statements because they were relevant to the question of whether the court in those cases should impose constraints on [Puleo] in order to compel his compliance with the judicial process. Nothing in the complaint dissuades the court from its position that [Plaintiffs'] defamation action is completely barred by the judicial privilege.

Trial Court Opinion, 3/9/2026, at 9 (unnecessary capitalization omitted).

In support of their argument, Plaintiffs rely on our Supreme Court's decisions in ***Post*** and ***Bochetto v. Gibson***, 860 A.2d 67 (Pa. 2004). ***See*** Plaintiffs' Brief at 12-14. In ***Post***, the plaintiff and defendant were opposing counsel in ongoing litigation. ***Post***, 507 A.2d at 352. The defendant sent a letter to plaintiff detailing alleged acts of misconduct by the plaintiff and sent copies of the letter to the trial court judge, plaintiff's client, and the Disciplinary Board of the Supreme Court of Pennsylvania. ***Id.*** at 352-53. The Supreme Court held that the communication was not protected by judicial privilege, reasoning that the challenged communication must bear a relationship to the proceedings to be privileged. ***Id.*** at 355-56.

> The letter did not state or argue any legal position, and it did not request any ruling or action by the court. Nor did the communication request that anything contained in it should even be considered by the court. The letter was clearly not a part of the judicial proceedings to which it made reference, and merely forwarding a copy of the letter to the court did not make it a part of those proceedings. Likewise, forwarding copies of the letter to plaintiff's alleged client … and to the Disciplinary Board of the Supreme Court of Pennsylvania did not render the letter a part of the trial proceedings, and transmittal of those copies would not logically have been expected to affect the course of trial.

Id. at 356. Thus, the Supreme Court concluded that the "defendant published the letter to persons who would have had no direct interest in either of the proceedings which might have ensued" and consequently, "[p]ublication of the letter to such persons was, therefore, not privileged." ***Id.*** at 357.

In ***Bochetto***, our Supreme Court held that the defendant faxing a complaint that alleged legal malpractice against the plaintiff to a reporter at a

daily legal news publication was not protected by the privilege. ***Bochetto***, 860 A.2d at 70, 72-73. The Court explained that the defendant's act of sending the complaint to the reporter "was an extrajudicial act that occurred outside of the regular course of the judicial proceedings and was not relevant in any way to those proceedings." ***Id.*** at 73.

Post and ***Bochetto*** are readily distinguishable from the instant matter. In this case, Meltzer made the statement at issue in a motion for sanctions against Puleo in which Meltzer expressly asserted that he was entitled to sanctions because, inter alia, Puleo raised a litany of frivolous claims against Meltzer, his law firm, and other parties to the action in response to the filing of the mortgage foreclosure action. Complaint, 9/5/2025, ¶ 9, Ex. E at n.1. It was Meltzer's express contention that Puleo was not acting in a legally professional or financially appropriate manner in the mortgage foreclosure action, that Puleo's inability to retain counsel supported his assertions that Puleo was not acting appropriately, and that Defendants were entitled to sanctions as a consequence. ***See id.*** Thus, Meltzer made the alleged defamatory statement in a pleading before a court to further the exact legal argument he was making in that pleading. ***See id.***

Although made in a complaint, the allegedly defamatory statement in ***Bochetto*** was published outside the confines of the courtroom as it was sent to a reporter at a news publication. ***See Bochetto***, 860 A.2d at 70. Likewise, the allegedly defamatory statements in ***Post*** occurred in a letter, not a

pleading, that the defendant not only sent to the trial court, but also to the plaintiff's client and the Disciplinary Board of the Supreme Court of Pennsylvania. ***See Post***, 507 A.2d at 352-53. In both ***Bochetto*** and ***Post***, the publication of the statements to third parties not directly involved in those cases served no purpose that would logically have been expected to affect the course of those cases. ***See id.*** at 356. In contrast, in the case at bar, Meltzer made the allegedly defamatory statement about Puleo solely to the trial court in a motion to support his argument that he was entitled to sanctions against Puleo. We therefore find Puleo's reliance on ***Bochetto*** and ***Post*** unavailing.

We conclude that the record supports the trial court's determination that Meltzer made the allegedly defamatory statement against Puleo during the regular course of the judicial proceedings, that the statement was relevant to the motion for sanctions Meltzer filed before the trial court in the mortgage foreclosure action, and it was thus protected by judicial privilege. As such, the statement cannot serve as the basis of a defamation action.

In their fourth and fifth issues, Plaintiffs argue the trial court erred by failing to provide them with an opportunity to amend their complaint and by failing to provide them with notice of the grounds for dismissal of their complaint or an explanation for the dismissal sufficient to allow them to respond. ***See*** Plaintiffs' Brief at 3. Plaintiffs, however, include no argument in support or analysis of these two issues in their appellate brief. ***See id.*** at 10-15.

Rule 2119(a) of the Pennsylvania Rules of Appellate Procedure provides that "[t]he argument shall be divided into as many parts as there are questions to be argued … followed by such discussion and citation of authorities as are deemed pertinent." Pa.R.A.P. 2119(a). "The failure to develop an adequate argument in an appellate brief may result in waiver of the claim under [Rule] 2119." ***Llaurado v. Garcia-Zapata***, 223 A.3d 247, 257-58 (Pa. Super. 2019) (quotation marks and citations omitted). This Court "shall not develop an argument for an appellant, nor shall we scour the record to find evidence to support an argument; instead, we will deem [the] issue to be waived." ***Milby v. Pote***, 189 A.3d 1065, 1079 (Pa. Super. 2018). Accordingly, Plaintiffs have waived their fourth and fifth issues.

Based on the foregoing, we discern no error in the trial court's decision to sustain Defendants' preliminary objections and dismiss Plaintiffs' complaint with prejudice.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/16/2026