NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

DIANA R. GARNER	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
SCOTT MENDELSOHN - TYSON REALTY	:	No. 352 EDA 2026

Appeal from the Order Entered January 16, 2026
In the Court of Common Pleas of Philadelphia County Civil Division at No(s): 250702502

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

MEMORANDUM BY NEUMAN, J.: **FILED NOVEMBER 20, 2026**

Appellant, Diana R. Garner, appeals *pro se* from the trial court's January 16, 2026 order granting Appellee's, Scott Mendelsohn – Tyson Realty, motion for judgment on the pleadings. Upon review, we are compelled to dismiss her appeal due to substantial briefing deficiencies.

The trial court summarized the background of this matter, in relevant part, as follows:

> [Ms.] Garner commenced this action seeking to quiet title via adverse possession with respect to the property located at 2706 West George Street in Philadelphia.[1] Ms. Garner claimed that she had occupied the property, which she found abandoned, since around 2003. [Appellee] has held title to the property since 2017.
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> [Appellee] filed preliminary objections in the nature of demurrer. Ms. Garner did not file an answer to the preliminary objections. On October 17, 2025, the [trial court] entered an order sustaining the preliminary objections and dismissing the case without

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[1] Ms. Garner proceeded *pro se* throughout this litigation.

> prejudice for Ms. Garner to file an amended complaint within twenty days.[2]
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> On December 8, 2025, [Appellee] filed his motion for judgment on the pleadings.[3] As of that date, Ms. Garner had not filed an amended complaint. Ms. Garner also did not file a response to [Appellee's] motion. On January 7, 2026, Ms. Garner filed an untimely amended complaint, without first seeking leave of court, well outside the time established in [the trial court's] order.[4]
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> On January 16, 2026, th[e trial c]ourt, after reviewing the unopposed motion, entered an order granting [Appellee's] motion and entering judgment in favor of [Appellee]. Ms. Garner filed her timely appeal to the Superior Court on January 25, 2026.

Trial Court Opinion, 4/13/26, at 1-2 (some capitalization modified).

The trial court ordered Ms. Garner to file a concise statement pursuant to Pa.R.A.P. 1925(b), and she timely complied. The trial court then issued its Rule 1925(a) opinion, in which it explained that Ms. Garner failed to timely file

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[2] Notice of this order was given pursuant to Pa.R.Civ.P. 236(b) on October 20, 2025.

[3] In the motion for judgment on the pleadings, Appellee asserted, "Pennsylvania Rule of Civil Procedure 1034 provides … after the relevant pleadings are closed, but within such time as not to unreasonably delay … trial, any party may move for judgment on the pleadings. … The time for [Ms. Garner] to plead has expired and the pleadings … are closed." Motion for Judgment on the Pleadings, 12/8/25, at ¶¶ 7-8; ***see also id.*** at ¶ 6 (claiming Appellee had not been served with an amended complaint and the docket entries do not reflect an amended complaint was filed).

[4] Our own review of the record shows Ms. Garner attached to the amended complaint a motion for leave to file amended complaint *nunc pro tunc*, but she never separately filed that motion. In the attached motion seeking *nunc pro tunc* relief that was not independently filed, she claimed she submitted her amended complaint through the electronic filing system on December 5, 2025, but it was rejected due to her failure to attach a notice to defend. She, thus, sought leave to file the amended complaint *nunc pro tunc* and have it deemed filed as of December 5, 2025. We observe the amended complaint would have still been untimely even if filed on December 5, 2025.

an amended complaint, failed to seek leave to file a late amended complaint, and did not respond to Appellee's motion for judgment on the pleadings. ***Id.*** at 3-4. On appeal, Ms. Garner raises the following issues for our review:

> 1. Whether the trial court erred in granting judgment on the pleadings where material issues of fact existed regarding [Ms. Garner's] continuous possession and use of the property?
>
> 2. Whether the trial court abused its discretion by dismissing [Ms. Garner's] action based on procedural technicalities rather than considering the merits of the case?
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> 3. Whether the trial court erred in treating [Appellee's] motion as unopposed and entering judgment without addressing [Ms. Garner's] substantive claims?
>
> 4. Whether the trial court improperly denied [Ms. Garner] the opportunity to proceed after dismissing the case without prejudice?

Ms. Garner's Brief at 4 (some capitalization modified).

Due to briefing deficiencies that hamper our appellate review, we are compelled to dismiss Ms. Garner's appeal. Rule of Appellate Procedure 2119(a) mandates the argument section of an appellant's brief contain "such discussion and citation of authorities as are deemed pertinent." Pa.R.A.P. 2119(a). This Court has explained:

> When briefing the various issues that have been preserved, it is an appellant's duty to present arguments that are sufficiently developed for our review. The brief must support the claims with pertinent discussion, with references to the record and with citations to legal authorities. Citations to authorities must articulate the principles for which they are cited.
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> This Court will not act as counsel and will not develop arguments on behalf of an appellant. Moreover, when defects in a brief impede our ability to conduct meaningful appellate review, we may dismiss the appeal entirely or find certain issues to be waived.

Commonwealth v. Hardy, 918 A.2d 766, 771 (Pa. Super. 2007) (cleaned up). ***See also In re M.Z.T.M.W.***, 163 A.3d 462, 465 (Pa. Super. 2017) ("It is well-settled that this Court will not review a claim unless it is developed in the argument section of an appellant's brief, and supported by citations to relevant authority.") (citations omitted); ***Coulter v. Ramsden***, 94 A.3d 1080, 1088 (Pa. Super. 2014) ("We need not reach the merits of this issue because the argument section of [the a]ppellant's brief merely consists of general statements unsupported by any discussion and analysis of relevant legal authority."); ***In re S.T.S., Jr.***, 76 A.3d 24, 42 (Pa. Super. 2013) ("[M]ere issue spotting without analysis or legal citation to support an assertion precludes our appellate review of a matter.") (cleaned up); ***Commonwealth v. Rush***, 959 A.2d 945, 950-51 (Pa. Super. 2008) ("[I]t is the appellant's obligation to present developed arguments and, in so doing, apply the relevant law to the facts of the case, persuade us there were errors, and convince us relief is due because of those errors. If an appellant fails to do so, we may find the argument waived.") (cleaned up).

Here, the argument section of Ms. Garner's brief is completely devoid of legal authority to support her claims. She does not provide a single citation to legal authority in her argument. ***See*** Ms. Garner's Brief at 6-8 (claiming, without any legal support, that the trial court improperly resolved factual issues in favor of Appellee at the pleadings stage; abused its discretion by dismissing the case on procedural grounds where the underlying claims presented substantial issues of fact and law; improperly treated the motion as

unopposed, as the absence of a response does not permit the court to disregard well-pleaded allegations or resolve factual disputes; denied Ms. Garner a meaningful opportunity to proceed and converted a non-final dismissal into a final judgment; and failed to properly apply adverse possession law).[5] While Ms. Garner includes two rule citations and two case citations in the table of authorities of her brief, they oddly do not appear anywhere in her brief.[6] With respect to the two cases she references in her table of authorities, we were unable to find these cases with the citations Ms. Garner provided and suspect these cases are hallucinated legal authority. ***See id.*** at 3 (citing ***Commonwealth v. Smith***, 123 A.3d 456 (Pa. Super.) and ***Brubaker v. Reading Eagle Co.***, 422 A.2d 673 (Pa. Super.)).[7] Further, one of the rules she includes in her table of authorities seems irrelevant to the issues she raises on appeal. ***Id.*** (citing Pa.R.A.P. 2111, which pertains to the requirements for an appellant's brief).

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[5] We observe Ms. Garner raises no argument that Appellee's motion for judgment on the pleadings was procedurally improper because there were no pleadings at the time it was filed and/or the pleadings were not closed. ***Cf.*** Pa.R.Civ.P. 1037(a) ("If an action is not commenced by a complaint, the prothonotary, upon praecipe of the defendant, shall enter a rule upon the plaintiff to file a complaint. If a complaint is not filed within twenty days after service of the rule, the prothonotary, upon praecipe of the defendant, shall enter a judgment of *non pros*.").

[6] Ms. Garner's table of authorities also includes one statutory citation to 42 Pa.C.S. § 742, which she references in her statement of jurisdiction to support our jurisdiction.

[7] Ms. Garner did not provide the year in which these cases were purportedly decided.

Ms. Garner's brief also contains no citations to the record. ***See*** Pa.R.A.P. 2119(c) ("If reference is made to the pleadings, evidence, charge, opinion or order, or any other matter appearing in the record, the argument must set forth, in immediate connection therewith, or in a footnote thereto, a reference to the place in the record where the matter referred to appears…."); Pa.R.A.P. 2117(a)(4) (requiring that the statement of the case contain "[a] closely condensed chronological statement, in narrative form, of all the facts which are necessary to be known in order to determine the points in controversy, with an appropriate reference in each instance to the place in the record where the evidence substantiating the fact relied on may be found"); ***Milby v. Pote***, 189 A.3d 1065, 1079 (Pa. Super. 2018) (stating this Court will not scour the record to find support for an argument). She further provides scant explanation on how the record supports her assertions. ***See*** Ms. Garner's Brief at 6, 7-8 (claiming her allegations support the elements required for adverse possession but discussing none of the specific allegations in her pleadings); ***id.*** at 7, 8 (stating she "made a good faith effort to comply with court procedures, including filing an amended complaint[,]" and suggesting the trial court did not give her a meaningful opportunity to proceed after initially dismissing her complaint without prejudice, but providing no explanation as to why her amended complaint was late and filed without leave,

or why she did not file a response to Appellee's motion for judgment on the pleadings).[8]

Our appellate review is precluded by Ms. Garner's failure to provide any legal authority to support her claims and lack of regard for the record. While this Court is willing to liberally construe materials filed by *pro se* appellants, *pro se* appellants are not entitled to special treatment by virtue of the fact they lack legal training. ***Commonwealth v. Maris***, 629 A.2d 1014, 1017 n.1 (Pa. Super. 1993) (citation omitted). "When issues are not properly raised and developed in briefs, when the briefs are wholly inadequate to present specific issues for review[,] a [c]ourt will not consider the merits thereof." ***Id.*** at 1017 (citation and footnote omitted). Further, we reiterate this Court is unable to act as Ms. Garner's appellate counsel by developing legal arguments for her. ***Hardy***, ***supra***; ***see also In re S.T.S., Jr.***, 76 A.3d at 42 ("This Court is neither obliged, nor even particularly equipped, to develop an argument for a party. To do so places the Court in the conflicting roles of advocate and neutral arbiter.") (citations omitted); ***Smathers v. Smathers***, 670 A.2d 1159, 1160 (Pa. Super. 1996) (observing a *pro se* appellant cannot expect this Court to act as her attorney). Accordingly, we are constrained to dismiss Ms. Garner's appeal.

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[8] Ms. Garner also never mentions that she attached to her amended complaint a motion for leave to file her amended complaint *nunc pro tunc*, asking that the amended complaint be deemed filed on December 5, 2025 (which still would have been untimely). Again, Ms. Garner did not independently file this motion.

Appeal dismissed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/20/2026