NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

C.K., A MINOR BY TAYLOR GARRETT	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
STEPHANIE WHITE AND RAYMOND STROUD	:	
	:	No. 350 WDA 2026
APPEAL OF: STEPHANIE WHITE	:	

Appeal from the Judgment Entered February 19, 2026
In the Court of Common Pleas of Allegheny County Civil Division at
No(s): AR-25-5196

BEFORE: DUBOW, J., KUNSELMAN, J., and BECK, J.

MEMORANDUM BY DUBOW, J.: **FILED: November 20, 2026**

Appellant, Stephanie White, appeals from the February 19, 2026 judgment entered in the Allegheny County Court of Common Pleas following a non-jury trial on damages only. Appellant contends that this Court should vacate the judgment against her because the prothonotary failed to provide her with notice of the date of the assessment of damages hearing. Appellant, however, failed to file a post-trial motion where she could have raised this issue, thus, providing the trial court with the opportunity to address it. Consequently, we are constrained to find that she has waived this challenge to the judgment and we affirm.

The relevant facts and procedural history are as follows. On June 25, 2025, Appellee, C.K., a minor, by Taylor Garrett, his parent and natural guardian, filed a complaint in arbitration alleging that Stephanie White

("White" or "Appellant") and Raymond Stroud ("Stroud")[1] negligently failed to control their dog and, as a result, Appellee sustained injuries when the dog bit him. Appellee served the complaint on White and Stroud on July 14, 2025. The lower court clerk scheduled an arbitration hearing for November 25, 2025.

When White and Stroud failed to file an answer to the complaint, Appellee filed a *praecipe* for entry of default judgment. On September 11, 2025, the prothonotary entered a default judgment as to liability against White and Stroud. A November 18, 2025 docket entry indicates that the Arbitration Center cancelled the arbitration hearing scheduled for November 25, 2025, in light of the default judgment.

On November 26, 2025, Appellee filed a *praecipe* to schedule an arbitration hearing on damages. In the *praecipe*, Appellee requested that the clerk schedule an arbitration hearing for January 7, 2026. Appellee included with the *praecipe* a certificate of service indicating that he had served White and Stroud with a copy of the *praecipe*. The docket reflects, however, that neither the court nor any administrative office of the Allegheny County Court of Common Pleas subsequently entered any order or provided any further

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[1] White and Stroud are co-owners of the property where the dog lived. Stroud is not a party to this appeal.

notice to the parties scheduling the assessment of damages hearing for January 7, 2026, as required by Allegheny County Local Rule 1303(1)(a).[2]

On January 7, 2026, Appellee appeared for the arbitration hearing, but neither White nor Stroud appeared. Because White and Stroud failed to appear, the matter "transferred immediately to a [j]udge of the [c]ourt of [c]ommon pleas for an *ex parte* hearing on the merits and entry of a non-jury trial verdict[.]" PA Allegheny Cty. LR 1303(a)(2)(1); ***see also*** Pa.R.Civ.P. 1303.

After considering Appellee's testimony and evidence pertaining to the scope and severity of the dog-bite injuries, the trial court entered a verdict in Appellee's favor in the amount of $50,000.[3] The trial court clerk docketed the verdict that same day and the docket entry includes a notation reflecting that "[a]s per Rule 236 Notice, copies sent to all parties 01/08/26." Docket Entry, 1/7/26.

Of most significance to our analysis, we note that Appellant failed to file a post-trial motion within 10 days as required by Pa.R.Civ.P. 227.1. On February 19, 2026, the trial court entered judgment in favor of Appellee and against White and Stroud for $50,000.

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[2] Local Rule 1303(1)(a) provides, in relevant part that, "the Department of Court Records shall give notice to the filing party of the date, time and place of hearing before a Board of Arbitrators through the electronic filing system." PA Allegheny Cty. LR 1303(1)(a).

[3] We note that by failing to appear for the arbitration hearing, White and Stroud forfeited their "right to a trial *de novo* on appeal." ***Id.*** at 1303(a)(2)(1).

On March 5, 2025, Appellant filed a notice of appeal to this Court. The trial court did not order Appellant to file a Pa.R.A.P. 1925(b) statement. The trial court has authored an opinion in which it highlights that, because Appellant failed to file a post-trial motion, she has waived any challenge to the verdict.

Appellant raises the following issue on appeal:

> Whether the judgment should be vacated as Appellant did not receive notice of the hearing to determine damages[?]

Appellant's Br. at 3.

Before we address the merits of Appellant's claim, we consider whether Appellant, who failed to file a post-trial motion, preserved for our review the issue of the defective notice of the assessment of damages hearing.

Pennsylvania Rule of Civil Procedure 227.1 provides, in relevant part that in the case of a jury trial, a party must file post-trial motions within ten days after the verdict. Pa.R.C.P. 227.1(c)(1). "The purpose for Rule 227.1 is to provide the trial court with an opportunity to correct errors [] and avert the need for appellate review." ***Chalkey v. Roush***, 805 A.2d 491, 494 n.9 (Pa. 2002). "Failure to raise an issue in a post-trial motion waives appellate review of the claim." ***Bensinger v. Univ. of Pittsburgh Med. Ctr.***, 98 A.3d 672, 682 (Pa. Super. 2014). ***See also Board of Supervisors of Willistown Township v. Maine Line Gardens, Inc.***, 155 A.3d 39, 46 (Pa. 2017) (citations omitted) ("[I]f an issue has not been raised in a post-trial motion it is waived for appeal purposes.").

Instantly, Appellant acknowledges that she did not file a post-trial motion within 10 days of the verdict as required by Pa.R.Civ.P. 227.1. Appellant's Br. at 11-12. She argues, however, that because the trial court failed to provide her with notice of the assessment of damages hearing on January 7, 2026, she is relieved of the obligation to file a post-trial motion.

Following our review of the record, we disagree. As noted above, the docket reflects, and Appellant does not dispute, that the lower court clerk served Appellant with notice of the verdict pursuant to Pa.R.Civ.P 236 on January 8, 2026. Thus, even assuming that Appellant did not receive notice of the January 7, 2026 assessment of damages hearing, she received notice of the verdict. Since Appellant received notice of the verdict, she had the opportunity to raise the defective notice issue in a post-trial motion. Since Appellant did not file a post-trial motion, she deprived the trial court of the opportunity to correct the defective notice. She has, therefore, waived her challenge to the defective notice.

Additionally, Appellant has failed to provide us with any legal authority, and we have found none, that a party is relieved of the obligation to file a post-trial motion when the court fails to provide notice of an assessment of damages hearing, but provides notice of the verdict. Rather, the law is clear that Appellant waived this challenge by failing to file a post-trial motion.

Judgment affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/20/2026