

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

KEYSTONE FREEDOM ACADEMY, LLC	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
KENNEDY INTERNATIONAL LOGISTICS	:	
& SERVICES, LLC	:	
	:	No. 16 EDA 2026
Appellant	:	

Appeal from the Order Entered November 6, 2025
In the Court of Common Pleas of Lehigh County
Civil Division at No: 2025-C-0350

BEFORE: PANELLA, P.J.E., LANE, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.:

FILED SEPTEMBER 3, 2026

Appellant, Kennedy International Logistics & Services, LLC, appeals from the November 6, 2025 order denying its petition to open the default judgment entered in favor of Appellee, Keystone Freedom Academy, LLC, in Appellee's underlying breach of contract and unjust enrichment action. Appellant contends that the trial court abused its discretion in denying the petition to open based on Appellant's failure to include a proposed answer as required by Pa.R.Civ.P. 237.3(a). After review, we affirm.

The trial court summarized the relevant history as follows:

Appellee filed a Complaint against Appellant on January 28, 2025.^[1] On July 31, 2025, Appellee obtained a default judgment

¹ In the complaint, Appellee alleged that it contracted with Appellant to provide unarmed security at Appellee's private academic academy for students in fifth
(Footnote Continued Next Page)

against Appellant. Appellant filed a Petition to Open on August 13, 2025. A Rule to Show Cause was issued on August 14, 2025, scheduling a hearing to occur on said Petition on September 10, 2025. On September 10, 2025, Appellant failed to appear at the hearing and the Petition was dismissed.

On September 19, 2025, Appellant filed a Motion for Reconsideration on the basis that Appellant had not received notice of the September 10, 2025 hearing. Reconsideration was granted on September 23, 2025, and a hearing on the Petition to Open was rescheduled to occur on October 22, 2025. That hearing was continued to November 6, 2025, after which the Petition to Open was taken under advisement and subsequently denied on November 6, 2025. Appellant filed a Motion for Reconsideration with a proposed Answer to Appellee's Complaint on November 13, 2025, which was denied on December 8, 2025.

Trial Court Opinion (TCO), 1/27/26, at 1-2. Appellant filed a timely appeal,² and both Appellant and the trial court have complied with Pa.R.A.P. 1925.

Before we reach the issue Appellant identified in its appellate brief, we must address Appellant's failure to comply with our Rules of Appellate Procedure. First, in violation of Pa.R.A.P. 2111, Appellant failed to append to its brief its Rule 1925(b) statement. Second, Appellant did not provide a statement of jurisdiction pursuant to Pa.R.A.P. 2114. Next, Appellant failed to include the order in question as required by Pa.R.A.P. 2115. Most problematically, while Appellant raises only one issue in the statement of

through twelfth grade with social, emotional, or behavioral needs, and Appellee raised claims for breach of contract and unjust enrichment. **Complaint**, 1/28/25, at ¶¶ 5-40.

² Appellant's thirty-day deadline to file this appeal was December 6, 2025, which fell on a Saturday. **See** Pa.R.A.P. 903(a). Appellant filed its notice of appeal on Monday, December 8, 2025, which was timely pursuant to 1 Pa.C.S. § 1908 (stating "[w]henver the last day of any such period shall fall on a Saturday or Sunday, ... such day shall be omitted from the computation").

questions presented, Appellant then sets forth eight claims in separate headings in what appears to be the argument section of the brief.³ **See** Appellant's Brief at 3, 5-16.

Rule 2119(a) clearly provides "[t]he argument shall be divided into as many parts as there are questions to be argued[.]" Pa.R.A.P. 2119(a). It is well settled that we may quash Appellant's appeal on these grounds. **See Interest of A.D.-G.**, 263 A.3d 21, 27 (Pa. Super. 2021); Pa.R.A.P. 2101 (stating that "if the defects are in the brief ... of the appellant and are substantial, the appeal ... may be quashed or dismissed"). Although we decline to quash the appeal due to Appellant's non-compliance, as it has not completely hindered our review, **see A.D.-G.**, 263 A.3d at 27, we address only the claims implicated by Appellant's statement of questions presented. **See Riverview Carpet & Flooring, Inc. v. Presbyterian SeniorCare**, 299 A.3d 937, 987 n.41 (Pa. Super. 2023) (declining to address claims that were not specifically raised in the statement of questions involved); Pa.R.A.P. 2116(a) (explaining that "[n]o question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby").

In the statement of questions involved, Appellant presents the following issue:

Did the trial court abuse its discretion and commit legal error by denying Appellant's Petition to Open Default Judgment based

³ The "argument" section of Appellant's brief is not labeled as such and appears as merely a continuation of the summary of argument section. **See** Appellant's Brief at 4-16.

primarily on Appellant's failure to attach a proposed answer to the initial petition and articulation of meritorious defenses?

Appellant's Brief at 3.

Appellant argues that the trial court's treatment of Pa.R.Civ.P. 237.3(a) as a strict prerequisite rather than a flexible procedural guideline improperly deprived Appellant of the opportunity to have this dispute resolved on its merits. *Id.* at 5.

Our standard of review is as follows:

It is well settled that a petition to open a default judgment is an appeal to the equitable powers of the court, and absent an error of law or a clear, manifest abuse of discretion, it will not be disturbed on appeal. An abuse of discretion occurs when a trial court, in reaching its conclusions, overrides or misapplies the law, or exercises judgment which is manifestly unreasonable, or the result of partiality, prejudice, bias or ill will.

US Bank N.A. v. Mallory, 982 A.2d 986, 994 (Pa. Super. 2009) (citation omitted).

"Generally speaking, a default judgment may be opened if the moving party has (1) promptly filed a petition to open the default judgment, (2) provided a reasonable excuse or explanation for failing to file a responsive pleading, and (3) pleaded a meritorious defense to the allegations contained in the complaint." *Id.* at 994-95 (citations and footnote omitted). "[T]he trial court cannot open a default judgment based on the equities of the case when the defendant has failed to establish all three of the required criteria." ***Myers v. Wells Fargo Bank***, N.A., 986 A.2d 171, 176 (Pa. Super. 2009) (internal quotation marks and citation omitted).

With respect to opening default judgments, Pennsylvania Rule of Civil Procedure 237.3 sets forth, in relevant part, the following:

(a) A petition for relief from a judgment of non pros or by default entered pursuant to Rule 237.1 **shall have attached thereto a copy of the complaint, preliminary objections, and/or answer which the petitioner seeks leave to file.** All grounds for relief shall be raised in a single petition.

* * *

[(b)](2) If the petition is filed **within ten days after the entry of a default judgment** on the docket, the court shall open the judgment if one or more of the proposed preliminary objections has merit or the proposed answer states a meritorious defense.

Pa.R.Civ.P. 237.3 (emphases added). “Rule 237.3 does not change the law of opening judgments.” Pa.R.Civ.P. 237.3, Note. Rather, it “supplies two of the three requisites for opening such judgments by presupposing that a petition filed as provided by the rule is timely and with reasonable explanation or legitimate excuse for the inactivity or delay resulting in the entry of the judgment.” ***Id.***

Here, it is undisputed that Appellant filed the petition to open thirteen days after the default judgment was entered. Because the petition to open was filed more than ten days after the default judgment was entered, Pa.R.Civ.P. 237.3(b) is inapplicable, and Pa.R.Civ.P. 237.3(a) applies. It is also undisputed that Appellant failed to attach an answer or preliminary objections to its petition to open.

Applying Pa.R.Civ.P. 237.3(a) and citing ***Rivers End Animal Sanctuary and Learning Center, Inc. v. Eckhart***, 253 A.3d 1220, 1221

(Pa. Super. 2021), the trial court explained that it was not permitted to overlook Appellant's failure to attach an answer or preliminary objections to its petition to open. TCO at 4-5. The trial court stated: "a trial court's disregarding of a failure by a party to attach an answer or preliminary objection to a petition to open a default judgment is a misapplication of Pa.R.C.P. 237.3(a)." **Id.** at 4. Ultimately, the trial court concluded:

In this case, Appellant offered no explanation as to why an answer or preliminary objections were not attached to its Petition to Open when it was filed on August 13, 2025, or why such a pleading was not subsequently added to the record nearly three months later by the time of the November 6, 2025 hearing. Under the circumstances and timeline of the case, the [c]ourt correctly applied Pa.R.C.P. 237.3(a) by denying Appellant's Petition to Open

Id. at 4-5. Upon review, we agree with the trial court.

In **Rivers End**, the defendant petitioned to open a default judgment without attaching the answer or preliminary objections that Pa.R.Civ.P. 237.3(a) requires. **Rivers End**, 253 A.3d at 1223-24. The trial court granted the petition, overlooking the defendant's failure to comply with the requirements set forth in Rule 237.3(a). **Id.** at 1224. On appeal, this Court reversed on the basis that the trial court misapplied the rule and abused its discretion in excusing the defendant's non-compliance. **Id.**

More recently, in a case applying **Rivers End**, this Court addressed Rule 273.3(a) and explained:

Rule of Appellate Procedure 237.3 mandates that a "petition for relief from a judgment ... by default ... **shall** have attached thereto a copy of the ... preliminary objections, and/or answer

which the petitioner seeks leave to file.” Pa.R.C.P. 237.3(a) (emphasis added). We recently interpreted this provision in the procedurally similar case of **Rivers End**

In **Rivers End**, the animal sanctuary obtained default judgment against [the defendant], who eventually petitioned for relief from the default judgment. [The defendant] did not attach a pleading (either preliminary objections or an answer/new matter) to his petition. The trial court opened the judgment, and **Rivers End** appealed. We reversed and said, “the trial court overrode Pa.R.C.P. 237.3(a), which required [the defendant] to attach preliminary objections or an answer to his petition.” **Id.** at 1224.

We reasoned that Rule 237.3(a), employing the mandatory verb “shall,” imposes an affirmative obligation upon parties petitioning to open a default judgment. Failure to attach a pleading (either preliminary objections or an answer to the complaint) is fatal to the petition.

Here, [the appellants] committed the same procedural error as [the defendant in **Rivers End**]. They did not attach preliminary objections or an answer/new matter to their petition for relief from [the] default judgments against them. They therefore clearly violated Pa.R.C.P. 237.3(a).

Li v. Fei, 1301 EDA 2022, 2023 WL 2544659, at *2 (Pa. Super. March 17, 2023) (emphasis added) (unpublished mem.).^{4,5} Because the appellants in **Li** failed to attach an answer or preliminary objections to their petition in violation

⁴ **See** Pa.R.A.P. 126(b) (unpublished non-precedential decisions of Superior Court filed after May 1, 2019, may be cited for persuasive value).

⁵ Appellant argues “[t]he trial court concluded that **Rivers End** requires strict enforcement of Pennsylvania Rule of Civil Procedure 237.3, such that failure to attach a proposed answer or preliminary objections to a petition to open default judgment mandates denial. That is not what **Rivers End** holds.” Appellant’s Brief at 12. This argument is meritless. The trial court properly applied **Rivers End**, and the holding in **Li** confirms that Rule 237.3(a) directs denial of a petition to open that is not accompanied by a proposed answer or preliminary objections. We note that our esteemed colleague, the Honorable Deborah A. Kunselman, was the author of both **Rivers End** and **Li**.

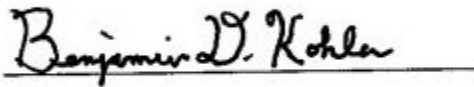
of Rule 237.3(a), the **Li** Court affirmed the order denying the petition to open.

Id.

Applying Rule 237.3(a) and the holdings from **Rivers End** and **Li**, we discern neither an error of law nor an abuse of discretion in the trial court's decision. Here, the trial court properly applied relevant authority to the facts of this case, **see** TCO at 4-5, and the order denying Appellant's petition is neither a misapplication of the law nor is it manifestly unreasonable or the result of partiality, prejudice, bias or ill will. **See US Bank N.A.**, 982 A.2d at 994. Accordingly, we affirm.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink that reads "Benjamin D. Kohler". The signature is written in a cursive style and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/3/2026