

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

JOHN ADAM BERTOLETTE AND  
RICHARD GROSSO

Appellants

v.

GLOBAL TEL\* LINK CORPORATION

: IN THE SUPERIOR COURT OF  
: PENNSYLVANIA

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: No. 1501 WDA 2025  
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Appeal from the Order Entered November 3, 2025  
In the Court of Common Pleas of Greene County Civil Division at No(s):  
AD-176-2023

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

MEMORANDUM BY LANE, J.:

**FILED: SEPTEMBER 30, 2026**

Two of the plaintiffs in this matter, John Adam Bertollette ("Bertollette") and Richard Grosso ("Grosso") (collectively, "Appellants"), purport to appeal from the order granting the preliminary objections of Global Tel\* Link Corporation ("Global") and thus dismissing Appellants' claims. Because a third plaintiff remains a party of record, we determine the order is not final pursuant to Pa.R.A.P. 341. Thus, we quash.

Appellants, along with Michael Rivera ("Rivera") and Dale Wakefield ("Wakefield"), are inmates at SCI Greene. In May 2023, all four individuals commenced the underlying civil suit against Global, generally alleging: electronic tablets sold or manufactured by Global, and purchased by the plaintiffs, were defective; and songs and games also purchased were faulty and/or overly priced. The plaintiffs' third amended complaint raised claims of

unfair trade practices, unjust enrichment, negligent representation, and intentional infliction of emotional distress. In December 2024, upon Wakefield's petition, the trial court removed him as a party from this matter.

In May 2025, the trial court issued three orders following a status conference. The court summarized that Appellants — Bertollette and Grosso — were in discussions with Global for a possible settlement. The court scheduled settlement hearings for August 2025. Meanwhile, Rivera "discussed the possibility of moving forward in the complaint as the sole plaintiff." Order, 5/27/25. The trial court permitted Rivera to amend the complaint, and on August 21, 2025, River filed an "Amended Complaint" as the sole plaintiff. The trial court entered this complaint at the same, instant trial docket.

Appellants did not settle their claims with Global, and in September 2025, Global filed preliminary objections to the third amended complaint as to Appellants only. Global averred the trial court should dismiss the third amended complaint: (1) under the doctrine of *lis pendens*, because Grosso had a pending action against Global for the same conduct, requesting the same relief;<sup>1</sup> and (2) for Appellants' failure to state a meritorious claim. We note that Rivera remained a named plaintiff with respect to this complaint.

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<sup>1</sup> **See *Spinelli v. Fallon***, 322 A.3d 956, 962 (Pa. Super. 2024) (stating that "[w]hen two lawsuits are pending, the common law doctrine of *lis pendens* permits the dismissal of the newer suit if both suits involve the same parties, the same relief requested, the same causes of action, and the same rights asserted"); **see also** Pa.R.Civ.P. 1028(a)(6) (providing that a party may file preliminary objections citing "pendency of a prior action").

Global then filed preliminary objections to Rivera's solo "amended complaint," likewise arguing that he failed to state a claim.

On November 3, 2025, the trial court issued the underlying order, granting Global's preliminary objections to the third amended complaint, as to Appellants only. Appellants filed a *pro se* notice of appeal, and complied with the court's order to file a Pa.R.A.P. 1925(b) statement of errors complained of on appeal.

Subsequently, on December 29, 2025, the trial court issued an order granting Global's preliminary objections to Rivera's solo "amended complaint," thus dismissing that complaint.

Upon initial review, this Court issued a rule on Appellants, to show cause why we should not quash this appeal, where the underlying order addressed only two of the three plaintiffs. Appellants filed a *pro se* response, arguing that: (1) Rivera "withdrew himself from Appellants' suit;" (2) the trial court's order "effectively, despite perhaps not technically, disposed of all of Appellants' claims as well as all parties to that complaint;" (3) the courts may liberally construe materials filed by a *pro se* litigant and disregard any error in "procedure which does not affect the substantial rights of the parties;" and (4) the "order was effectively a final order as it applies to Appellants." Appellants' Response to Court Order Dated 2-10-26, 2/19/26, at 1. This Court discharged the rule to show cause, but advised the parties that the merits panel may revisit this issue.

Appellants present the following issue for our review: “whether the trial court erred in sustaining [Global’s] preliminary objections and dismissing Appellants’ complaint?” Appellants’ Brief at 2 (unnecessary capitalization omitted).

Before reaching the merits of Appellants’ claim, we first determine whether the underlying order was final and appealable. This Court has explained:

We may raise whether this Court has jurisdiction *sua sponte*. "Generally, this Court has jurisdiction of 'appeals from final orders of the courts of common pleas.' 42 Pa.C.S. § 742. Rule of Appellate Procedure 341 defines 'final order' as, among other things, any order that 'disposes of all claims and of all parties.' Pa.R.A.P. 341(b)(1)."

The key inquiry in any determination of finality is whether there is an outstanding claim. Pa.R.A.P. 341[.] If any claim remains outstanding and has not been disposed of by the trial court, then . . . this Court lacks jurisdiction to entertain the appeal unless the appeal is interlocutory or we grant permission to appeal. Pa.R.A.P. 341.

***Massaro v. Tincher Contracting LLC***, 204 A.3d 932, 933 (Pa. Super. 2019) (some citations omitted).

As summarized above, three plaintiffs — Appellants and Rivera — filed the third amended complaint. In light of settlement discussions between Appellants and Global, the trial court permitted Rivera to file an “amended” complaint as the sole plaintiff. Rivera did so. However, no party sought the removal of Rivera as a plaintiff from the third amended complaint, and importantly, there is nothing in the record or trial docket indicating that he

has been removed.<sup>2</sup> We are not persuaded by Appellants' contention that Rivera "withdrew himself" from this suit. Appellants' Response to Court Order Dated 2-10-26, 2/19/26, at 1. Accordingly, we determine that Rivera's claims, as pleaded in the third amended complaint, remain outstanding.

We reach this conclusion despite Rivera's filing of a solo complaint against Global. This filing, in itself, did not affect, let alone terminate, Rivera's participation in the group's third amended complaint. In any event, once Appellants filed the underlying notice of appeal, the trial court lost jurisdiction to proceed further in the matter. Generally, "after an appeal is taken . . . , the trial court . . . may no longer proceed further in the matter." Pa.R.A.P. 1701(a). Accordingly, we do not consider the trial court's subsequent order purporting to grant Global's preliminary objections against Rivera's solo complaint. In sum, on this record we decline to *sua sponte* declare a party — Rivera — removed from the underlying matter. That is not our role as an error-correcting Court. ***See E.C.-S. v. M.C.S.***, 256 A.3d 449, 457 (Pa. Super. 2021) (stating that "we are cognizant of our role as an error-correcting court and that '[i]t is not the prerogative of an intermediate appellate court to enunciate new precepts of law or to expand legal doctrines'").<sup>3</sup>

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<sup>2</sup> As noted above, a fourth plaintiff, Wakefield, had filed a petition to withdraw from this lawsuit, and the trial court granted it.

<sup>3</sup> We acknowledge Global's present argument that "this action is . . . the latest of at least six actions by . . . Grosso against" it, in which "Grosso's core (Footnote Continued Next Page)

Finally, we address Appellants' additional claim in their response to this Court's rule to show cause. They asserted that a quashal of this appeal would be "unjustly prejudicial, since it would effectively terminate [their] appellate rights, as it [would be] too late to file an appeal from the trial court's December 29, 2025 order." Appellants' Response to Court Order Dated 2-10-26, 2/19/26, at 2. First, as noted above, the trial court lacked jurisdiction to enter the December 29, 2025 order granting Global's preliminary objections to Rivera's solo complaint. Second, upon remand of this record, and the entry of any final, appealable order, Appellants may appeal therefrom, so long as they comply with the applicable rules of procedure.

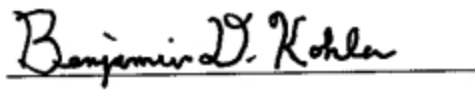
We conclude Rivera remains a party of record, his claims against Global remain outstanding, and thus the underlying order — granting preliminary objections against Appellants only and thus dismissing their claims — is not a final, appealable order. **See** Pa.R.A.P. 341(a)-(b). We thus quash this appeal.

Appeal quashed.

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complaints are essentially the same." Global's Brief at 2; **see also *Grosso v. Global Tel Link Corporation***, 350 A.3d 138 (Pa. Super. 2025) (unpublished memorandum) affirming grant of summary judgment in favor of Global, and against Grosso, in Grosso's suit alleging defective tablets and other issues with songs purchased). Nevertheless, for the reasons set forth above, we do not reach the merits of Appellants' issue on appeal.

Judgment Entered.

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

Benjamin D. Kohler, Esq.  
Prothonotary

DATE: 9/30/2026