NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

LORI GARFINKEL	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
LYNN GAINES	:	No. 1766 EDA 2026

Appeal from the Order Entered June 2, 2026
In the Court of Common Pleas of Monroe County Civil Division at No(s): 2462 CV 2026

BEFORE: LAZARUS, P.J., DUBOW, J., and KUNSELMAN, J.

MEMORANDUM BY LAZARUS, P.J.: **FILED NOVEMBER 6, 2026**

Lori Garfinkel appeals *pro se* from the order, entered in the Court of Common Pleas of Monroe County, dismissing her Protection from Abuse (PFA) petition,[1] following a hearing, for lack of standing. We quash.

In July 1995, Garfinkel married Peter Gaines (Peter), Appellee Lynn Gaines' brother. Garfinkel and Peter later separated. In 2020, Peter passed away. On April 22, 2026, Garfinkel filed a PFA petition against Gaines alleging that Gaines:

> Attempt[ed] and intentionally cause[d] . . . serious bodily injury through a pattern of attack[s], assaults, car vandalisms (breaks/tires) and sexual assault of [Garfinkel's] son[;] place[d] [Garfinkel] in habitual fear of imminent bodily injury and fear[ed] for [her] life[;] participate[d] in the false imprisonment of [Garfinkel] on 3-30-26 in Bartonsville, PA[;] participated in the creation of a false NCIC missing person filing on 3-30-26, causing the Stroud Police to enter [Garfinkel's] hotel room and search/detain [her] car, in Bartonsville[,] PA[,] when she

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[1] ***See*** Protection from Abuse Act, 23 Pa.C.S.A. §§ 6101-6122.

> participated in a false missing person NCIC, causing panic, alarm, illegal search and seizure, and unlawful detainment of [Garfinkel] and [her] son[;] knowingly engag[ed] in a course of conduct, repeatedly submitting counterfeit documents, [a] counterfeit death certificate for [Garfinkel's] husband, having men follow [her], caus[ed] men to appear at [her] home, linger [sic] photograph, [and] video tape [her], repeatedly; without proper authority . . . stole [Garfinkel's] identity, used [her] name, circulated [her] identity documents, and impersonated her repeatedly; [and] impersonates [her] deceased daughter by email and phone.

Petition for Protection from Abuse, 4/22/26 (unpaginated). Following an *ex parte* hearing, the court denied Garfinkel's request for a temporary PFA order.

On June 1, 2026, the Honorable Patrick J. Best held a final PFA hearing. Garfinkel appeared in person and Gaines participated remotely via Zoom. At the beginning of the hearing, Gaines' counsel stated that Garfinkel and Peter had been divorced since 2011. ***See*** N.T. Final PFA Hearing, 6/1/26, at 4; ***id.*** at 15 (defense counsel stating Peter and Garfinkel had been divorced for 22 years at time of final PFA hearing). Garfinkel, however, testified that she and Peter had been separated, but never divorced, because the appellate division remanded and reversed the matter due to conflicting marital settlement agreements. ***See id.*** at 14; ***id.*** at 15 (Garfinkel testifying, "We were living apart[,] but we were still legally married.").

The court framed the relevant issue at the final PFA hearing as, "So, the question is, does the [PFA] statute provide for an ongoing relationship by marriage after the termination of the marriage?" ***Id.*** at 10.[2] However, at the

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[2] The trial judge followed this question by stating:

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conclusion of the hearing, the court gave a different reason, on the record, as to why it denied the petition due to lack of standing:

> So, I'm going to dismiss for lack of standing. I'll give you my basis. Section 6102 [of] the A[ct] defines the term family or household members as spouses or persons who have been spouses, persons living as spouses, parents and children, other persons related [by] consanguinity or affinity, current or former sexual or intimate partners[,] or persons who share biological parenthood. Of those potential relationships that would provide standing under the A[ct], several have been denoted as being both current or former. So, for example, spouses who—or spouses or persons who have been spouses. So, that provides for divorce. You can [] be a divorced party and still get a protection from abuse order. Other persons—excuse me, current or form[er], sexual or intimate partners, includes the word former. So, the [L]egislature knew how to use words to indicate whether or not the relationship was only existing at the time or whether it was a past relationship. They make no distinction for persons related by consanguinity or affinity. So, as a matter of statutory interpretation, I conclude that the Legislature's intention is that relationships by affinity are only current relationships by affinity. **With the acknowledgement that Mr. Garfinkel has passed away, there's no current relationship between the plaintiff and the defendant.** For that reason, I find no standing and this matter will be dismissed.[3]

> I guess the same question would apply if there was a divorce or something of th[at] nature[]. The statute does use the word former at other parts of the standing statute. For example, current or former sexual or intimate partner with defendant. So, the question is, if the Legislature intended for a relationship to continue beyond, would they have used the word former? This is a question of statutory interpretation.

Id.

[3] The following statement in Judge Best's Pa.R.A.P. 1925(a) opinion confirms the fact that he did not find lack of standing based on the marital status of Garfinkel and Peter:

> [Garfinkel] disputes whether she was divorced from her husband prior to his death. I do not need to reach this issue for two

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N.T. Final PFA Hearing, 6/1/26, at 15-16 (emphasis added).

On June 2, 2026, the court entered an order denying Garfinkel's PFA petition for lack of standing. Garfinkel filed a timely notice of appeal[4] and court-ordered Pa.R.A.P. 1925(b) concise statement of errors complained of on appeal.

Before we address the merits of Garfinkel's appeal, we must determine whether the deficiencies in her appellate brief are so significant that they require quashal of the appeal. To begin, we note that Pa.R.A.P. 2101 states:

> Briefs and reproduced records shall conform in all material respects with the requirements of these rules as nearly as the circumstances of the particular case will admit, otherwise they may be suppressed, and, if the defects are in the brief or reproduced record of the appellant and are substantial, the appeal or other matter may be quashed or dismissed.

Pa.R.A.P. 2101. We also bring Pa.R.A.P. 2111 to Garfinkel's attention, which provides:

> reasons. First, the death of her husband is sufficient to sever the affinity between the parties for the reasons discussed herein. Second, there is no dispute that [Garfinkel] was separated from her husband and that a divorce was filed. The only question is whether the divorce was finalized—an issue which does not affect my ruling.

Trial Court Opinion, 7/10/26, at 3 n.2 (internal citations omitted).

[4] On July 17, 2026, our Court entered an order noting that Garfinkel failed to attach a copy of the order she was appealing to her notice of appeal or docketing statement. Accordingly, we directed her to file an amended notice of appeal with our Court's Prothonotary by July 27, 2026, including a copy of the order on appeal. Garfinkel timely complied and filed a proper amended notice of appeal on July 27, 2026.

Rule 2111. Brief of the Appellant

> **(a) General rule.** The brief of the appellant, except as otherwise prescribed by these rules, shall consist of the following matter, separately and distinctly entitled and in the following order:
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> > **(1)** Statement of jurisdiction.
> >
> > **(2)** Order or other determination in question.
> >
> > **(3)** Statement of both the scope of review and the standard of review.
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> > **(4)** Statement of the questions involved.
> >
> > **(5)** Statement of the case.
> >
> > **(6)** Summary of argument.
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> > ***
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> > **(8)** Argument for appellant.
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> > **(9)** A short conclusion stating the precise relief sought.
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> > **(10)** The opinions and pleadings specified in paragraphs (b) and (c) of this rule.
> >
> > **(11)** In the Superior Court, a copy of the statement of the matters complained of on appeal filed with the trial court pursuant to Rule 1925(b), or an averment that no order requiring a statement of errors complained of on appeal pursuant to Rule 1925(b) statement was entered.
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> ***
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> **(b) Opinions below.** There shall be appended to the brief a copy of any opinions delivered by any court or other government unit below relating to the order or other determination under review, if pertinent to the questions involved[.]

Pa.R.A.P. 2111.

The *pro se* brief that Garfinkel has submitted to this Court violates almost every requirement of Rule 2111—it contains no statement of

jurisdiction, order in question, statement of scope and standard of review, statement of questions involved, statement of the case, summary of argument, or an appended trial court opinion.[5] The seven-page brief contains a disjointed recitation of the facts and procedural history of the case, omits any attempt to frame issues in a "Statement of Questions Involved," ***see*** Pa.R.A.P. 2116, and is devoid of any coherent argument that includes citation to relevant authority or reference to the record. ***See*** Pa.R.A.P. 2119.

"While this court is willing to liberally construe materials filed by a *pro se* litigant, we note that [an] appellant is not entitled to any particular advantage because she lacks legal training." ***O'Neill v. Checker Motors Corp.***, 567 A.2d 680, 682 (Pa. Super. 1989) (citation omitted). "As our [S]upreme [C]ourt has explained, 'any layperson choosing to represent [herself] in a legal proceeding must, to some reasonable extent, assume the risk that [her] lack of expertise and legal training will prove [her] undoing.'" ***Id.*** (citation omitted).

Due to Garfinkel's significant lack of compliance with our Pennsylvania Appellate Rules briefing requirements, we conclude we are unable to conduct a meaningful review of her appeal. Thus, we quash.[6]

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[5] Garfinkel's brief contains only two sections—facts and procedural history and conclusion. Between those sections, Garfinkel lists her purported issues in all capital letters and then follows those issues with her ostensible arguments.

[6] We note that if we did not quash the instant appeal due to significant briefing deficiencies, the trial court's determination regarding Garfinkel's lack of standing to file a PFA petition based on Peter's death would give us pause. *(Footnote Continued Next Page)*

Appeal quashed.

Although the PFA Act does not define "affinity," our Court has held, based on the Act's purpose, that the term includes brother-in-law/sister-in-law relationships. ***See McCance v. McCance***, 908 A.2d 905, 910 (Pa. Super. 2006). ***See also B.R.S. v. J.L.***, 236 A.3d 1167, 1169-70 (Pa. Super. 2020) (petitioner had standing to sue his wife's sister because language of PFA Act covers relationship of brothers-in-law or sisters-in-law). Here, the court found that since Peter had died and, prior to Peter's death, he and Garfinkel were separated, ***McCance*** was distinguishable. Accordingly, the trial court "declined to extend the ***McCance*** holding to the facts here." Trial Court Opinion, 7/10/26, at 4. However, the court also stated that "[u]nder ***McCance***, there would be no question that if [Garfinkel's] husband were still alive and married to [Garfinkel], [Garfinkel] would be related to [Gaines] by affinity for the purposes of the Act." ***Id.***

In the course of parsing the language of section 6102, the court noted that the statute includes the following language, "persons **who have been spouses**" and "**former** sexual or intimate partners." ***Id.*** at 5 (emphasis added). Based on this verbiage, the court noted that the drafters of the statute intended the Act to apply to those relationships that no longer existed at the time of the filing of a petition. Conversely, the court concluded that "because the [L]egislature . . . did not make the same decision [to include former] persons related by affinity," it "necessarily intended for the affinity to be severable in instances such as death or divorce." ***Id.***

In ***B.R.S.***, however, our Court stated, "we note the death of Appellant's wife also does not preclude Appellant from receiving protection under the Act. The death of a spouse does not automatically change the status of a relation by affinity." ***Id.***, 236 A.3d at 1170 n.2. The court further noted that "by construing 'person related by . . . affinity' to include all definitions of a brother-in-law or sister-in-law, we give effect to the provisions of the statute in a way that promotes its purpose of preventing violence among people with domestic, familial[,] or romantic bond, **past or present**." ***Id.*** at 1169 (emphasis added).

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/6/2026