

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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| Laura A. Kryzanowski, | : | |
| Appellant | : | |
| v. | : | No. 2635 C.D. 2010 |
| | : | Submitted: May 13, 2011 |
| Robert Joseph Sidella, | : | |
| Gloria nee Sidella Neidlinger | : | |

OPINION NOT REPORTED

**MEMORANDUM OPINION
PER CURIAM**

FILED: August 25, 2011

In her brief, Appellant Laura A. Kryzanowski (Kryzanowski), *pro se*, seeks this Court’s review of three orders of the Court of Common Pleas of Schuylkill County (trial court). Kryzanowski, again acting *pro se*, initiated the underlying action on September 30, 2005, when she filed papers with the trial court, purporting to challenge an adverse order of the Schuylkill County Board of Assessment Appeals (Board) in a tax assessment appeal. In subsequent filings, however, Kryzanowski attempted to add additional parties and to raise issues beyond a mere challenge to a property tax assessment. Those issues appear to relate to a property boundary dispute with private parties, including other landowners, attorneys, and a title insurance company and/or agent. She filed several amended pleadings, each, for the most part, prompting responsive filings by the named defendants seeking, in many cases, dismissal.

On October 7, 2005, the trial court issued what we will characterize as a case management order (“10/7/05 Order”), in which the trial court, *inter alia*, indicated that it would be treating Kryzanowski’s filing as an appeal from an

adverse Board determination. The court set a prehearing conference and directed the parties to file prehearing memoranda.

The trial court also issued an order on April 5, 2007 (“4/5/07 Order”). By this date, Kryzanowski had superseded her original pleading several times with subsequent filings. Dealing with motions by the various defendants addressed to Kryzanowski’s “Seventh Amended Complaint” (filed November 17, 2006), the trial court, in a multi-paragraph order, effectively dismissed the action in its entirety against all defendants, with prejudice.

On or about September 20, 2010, Kryzanowski filed papers with the trial court, seeking leave to again file an amended pleading. In a November 10, 2010 Order (“11/10/10 Order”), the trial court dismissed the motion, reasoning: “[A]s this Court dismissed the action against all Defendants by order of April 5, 2007, the September 20, 2010 filing by Plaintiff seeking leave to amend the complaint is DISMISSED.”

In reviewing Kryzanowski’s brief, we can discern her frustration, as a *pro se* litigant, with the many rules that courts apply in managing the disposition of cases from cradle to grave. We disagree with her claim, however, that such rules lack a constitutional footing or are inimical to her constitutional rights. Kryzanowski cites, for example, to Article I, Section 11 of the Pennsylvania Constitution, which provides, in relevant part:

All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

But the Pennsylvania Constitution also vests certain administrative powers over the Commonwealth’s courts in our Pennsylvania Supreme Court, including the power to craft rules of practice and procedure:

(c) The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrees of any court or justice of the peace, including the power to provide for assignments and reassignment of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to the bar and to practice law, and the administration of all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions.

Pa. Const. Art. V, § 10. Exercising this power, the Pennsylvania Supreme Court has created the Pennsylvania Rules of Civil Procedure, which generally prescribe the practices and procedures before the trial courts of the Commonwealth. Within those rules, trial courts are expressly authorized to enact their own local rules. *See* Pa. R.C.P. No. 239.

The Supreme Court has expressly recognized that rules of procedure are to be “liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable.” Pa. R.C.P. No. 126. In addition, we note that this Court “is generally inclined to construe *pro se* filings liberally.” *Smithley v. Unemployment Comp. Bd. of Review*, 8 A.3d 1027, 1029 n.6 (Pa. Cmwlth. 2010). We have also recognized that a *pro se* litigant’s pleadings should be construed liberally, but not so much as to give him or her an advantage in litigation due to a lack of knowledge of the law. *Mueller v. Pa. State Police Headquarters*, 532 A.2d 900, 901 (Pa. Cmwlth. 1987). This Court

and our Pennsylvania Supreme Court have long recognized the risk litigants take in representing themselves in legal proceedings: “[A]ny layperson choosing to represent himself in a legal proceeding must, to some reasonable extent, assume the risk that his lack of expertise and legal training will prove his undoing.” *Vann v. Unemployment Comp. Bd. of Review*, 508 Pa. 139, 148, 494 A.2d 1081, 1086 (1985) (quoting *Groch v. Unemployment Comp. Bd. of Review*, 472 A.2d 286 (Pa. Cmwlth. 1984)).

We offer the foregoing to Kryzanowski not only to provide context for the trial court’s actions below, but also to provide context for how we must now dispose of her appeal. Because Kryzanowski refers extensively in her brief to her constitutional rights, she should appreciate that Article V, Section 4 of the Pennsylvania Constitution confers on this Court “such jurisdiction as shall be provided by law.” Rule 903(a) of the Pennsylvania Rules of Appellate Procedure, as authorized by Section 5571(a) of the Judicial Code, 42 Pa. C.S. § 5571(a), provides: “Except as otherwise prescribed by this rule, the notice of appeal required by Rule 902 (manner of taking appeal) *shall be filed* within 30 days after the entry of the order from which the appeal is taken.” (Emphasis added). This rule is strictly construed by the courts of this Commonwealth, as we have explained: “The timeliness of an appeal is jurisdictional, and the issue of timeliness may be raised, even sua sponte, at any stage of the proceedings. *An untimely appeal must be quashed absent a showing of fraud or breakdown in the court’s operation.*” *Thorn v. Newman*, 538 A.2d 105, 107 (Pa. Cmwlth. 1988) (emphasis added).

Claimant’s notice of appeal in this matter provides only that Claimant seeks to appeal the trial court’s 11/10/10 Order, denying Claimant leave to file an

amended pleading. That is thus the only order currently before the Court for review. But even if the notice of appeal had included a reference to the earlier 10/7/05 and 4/5/07 Orders, we would quash as untimely the effort to appeal those orders under the above-cited authority.

Turning to the 11/10/10 Order, Kryzanowski fails to set forth in her brief any discernable argument, let alone the appropriate standard and scope of appellate review, related to her challenge to the trial court's decision to deny her an opportunity to file an amended pleading in a matter that the trial court dismissed over three years earlier. An appellate court's standard of review of a trial court's order denying a plaintiff leave to amend a complaint is limited to considering whether the trial court erred as a matter of law or abused its discretion. *Scwarzwaelder v. Fox*, 895 A.2d 614, 621 (Pa. Super. 2006). Because Kryzanowski has failed to include in her brief any discernable arguments as to how the trial court erred as a matter of law or abused its discretion as to the 11/10/10 Order, we affirm the trial court.¹

¹ *D.Z. v. Bethlehem Area Sch. Dist.*, 2 A.3d 742, 750 n.8 (Pa. Cmwlth. 2010) (issue waived where appellant failed to develop legal argument or cite relevant legal authority in support of issue); Pa. R.A.P. 2119.

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PER CURIAM

ORDER

AND NOW, this 25th day of August, 2011, the order of the Court of Common Pleas of Schuylkill County is AFFIRMED.