

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

FLOWER FIELD MOTEL, LLC,

Appellee

v.

JOSEPH DIBELLA AND MAMIE DIBELLA,

Appellants

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1965 EDA 2012

Appeal from the Judgment of September 13, 2012,  
in the Court of Common Pleas of Monroe County,  
Civil Division at No. 7449 CV 2007

BEFORE: BENDER, LAZARUS and COLVILLE\*, JJ.

MEMORANDUM BY COLVILLE, J.:

Filed: February 15, 2013

This is an appeal from a judgment entered in favor of Appellee. We dismiss this appeal.

Given the manner in which we dispose of this appeal, we only will briefly summarize the background underlying the matter. Appellee filed a complaint against Appellants. A jury entered a verdict in favor of Appellee. Appellants filed post-trial motions, and the trial court denied those motions. Appellants filed a notice of appeal, and judgment subsequently was entered. Appellants ask this Court to consider three questions. We, however, note that Appellee advocates that the Court dismiss the appeal.

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\*Retired Senior Judge assigned to the Superior Court.

Generally speaking, Appellee's request that we dismiss this appeal is grounded in its observation that Appellants have failed to comply with the Pennsylvania Rules of Appellate Procedure. Appellee contends that Appellants failed to file and serve a proper reproduced record. Appellee further contends that Appellants failed to support their appellate issues with developed arguments.

Appellate briefs and reproduced records filed in this Court must conform in all material respects with the requirements of the Rules of Appellate Procedure. Pa.R.A.P. 2101. If the defects in these documents are substantial, then this Court may exercise its discretion to dismiss the appeal.

*Id.*

As Appellee points out, Appellants simply failed to file and serve a reproduced record. Even more problematic for purposes of appellate review, Appellants failed to provide this Court with developed arguments in support of their issues. ***See Karn v. Quick & Reilly Inc.***, 912 A.2d 329, 336 (Pa. Super. 2006) ("Appellate arguments which fail to adhere to these rules may be considered waived, and arguments which are not appropriately developed are waived. Arguments not appropriately developed include those where the party has failed to cite any authority in support of a contention.") (citation and quotation marks omitted). For instance, under their third issue, Appellants assert that Appellee failed to produce evidence to sustain its burden of establishing the elements of fraud. Yet, the law that Appellants cite in support of this assertion does not relate to what evidence a plaintiff must present at trial in order to prove fraud. Rather, Appellants recite law

regarding what a complaint containing a count of fraud must contain in order to survive preliminary objections. *See, e.g.*, Appellants' Brief at 8 (quoting *Dwyer v. Rothman*, 431 A.2d 1035 (Pa. Super. 1981), for the proposition that "[t]he pleadings must be sufficient to convince the court that the averments are not merely subterfuge."). Moreover, Appellants' "Statement of the Case" fails to comply in any meaningful respect with Pa.R.A.P. 2117, and their brief is entirely devoid of citation to the certified record, in violation of, among other rules, Pa.R.A.P. 2119(c).

Lastly, we observe that, in response to the issues Appellants raised in their statement filed pursuant to Pa.R.A.P. 1925(b), the trial court drafted a comprehensive twenty-three page opinion, complete with citations to pertinent authorities and portions of the certified record. Appellants fail to assign any error to the trial court's rationale for rejecting Appellants' issues. *See Commonwealth v. Wrecks*, 931 A.2d 717, 722 (Pa. Super. 2007) ("An appellant also has the burden to convince us that there were errors and that relief is due because of those errors."). Indeed, Appellants ignore the court's opinion.

For these reasons, we exercise our discretion to dismiss this appeal.

Appeal dismissed.

Judge Lazarus concurs in the result.