

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

DORIS PRUKALA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
MICHAEL A. PRUKALA	:	
	:	
Appellant	:	No. 1245 MDA 2017

Appeal from the Order Entered July 18, 2017  
 In the Court of Common Pleas of Luzerne County Civil Division at No(s):  
 08183-2017

BEFORE: PANELLA, J., OLSON, J., and STEVENS\*, P.J.E.

PER CURIAM MEMORANDUM: **FILED MAY 16, 2018**

Appellant, Michael A. Prukala, appeals from the order entered on July 18, 2018, granting Doris Prukala a final order for protection from abuse (PFA) against Appellant. We affirm.

We briefly set forth the facts and procedural history of this case as follows. On July 10, 2017, Doris Prukala filed a PFA petition against her son, Appellant. Doris Prukala alleged that, on June 10, 2017, she and her husband asked Appellant to vacate their residence and he verbally abused them, threatened to set the house on fire, and threw a shovel at a window where his father was sitting. The trial court issued a temporary PFA on July 10, 2017. On July 18, 2017, the trial court held a hearing on the PFA petition and entered a final PFA order. The order, in effect for two years, excludes Appellant from Doris Prukala’s residence, requires Appellant to relinquish his guns, and prohibits his subsequent possession of firearms.

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\* Former Justice specially assigned to the Superior Court.

Appellant filed a notice of appeal on August 10, 2017. On August 31, 2017, the trial court ordered Appellant to file a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). However, there is no notation on the trial court docket that Appellant complied. Thereafter, on October 3, 2017, the trial court issued an opinion pursuant to Pa.R.A.P. 1925(a), determining that Appellant “failed to timely file a concise statement of errors pursuant to Rule 1925(b)” and, therefore, “waived all issues for appeal.” Trial Court Opinion, 10/3/2017, at 1.

Appellant presents the following issues for our review:

Whether the [trial c]ourt [] committed an error of law and/or abuse of discretion by granting Doris Prukala’s [PFA petition] by its [o]rder of July 18, 2017[?]

- A. Whether the evidence was insufficient to support entry of [a PFA order?]
- B. Whether the [trial c]ourt [] committed an error of law or abuse of discretion by exercising bias and ill will, and in prejudging liability on behalf of [Appellant] before all the evidence was presented[?]

Appellant’s Brief at 3.

Because Appellant failed to identify these issues in a court-ordered Rule 1925(b) statement, he waived them for appellate review. Our Supreme Court has stated:

Our jurisprudence is clear and well-settled, and firmly establishes that: Rule 1925(b) sets out a simple bright-line rule, which obligates an appellant to file and serve a Rule 1925(b) statement, when so ordered; any issues not raised in a Rule 1925(b) statement will be deemed waived; the courts lack the authority to countenance deviations from the Rule’s terms; the Rule’s

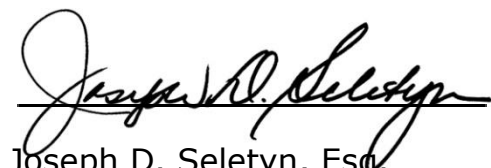
provisions are not subject to *ad hoc* exceptions or selective enforcement; appellants and their counsel are responsible for complying with the Rule's requirements; Rule 1925 violations may be raised by the appellate court *sua sponte*[.]

***Commonwealth v. Hill***, 16 A.3d 484, 494 (Pa. 2011).

Upon review of the record, the trial court ordered Appellant to file a concise statement pursuant to Pa.R.A.P. 1925(b). Appellant simply did not comply. There is no notation on the trial court docket that Appellant filed a Rule 1925(b) statement. Moreover, the trial court recognized that Appellant failed to file a Rule 1925(b) statement as directed in its subsequent opinion pursuant to Pa.R.A.P. 1925(a). On appeal, Appellant does not suggest that the trial court erred in determining that he waived his appellate issues. Instead, Appellant makes merits-based arguments without addressing the trial court's finding of waiver. Based upon clear precedent in ***Hill***, we deem Appellant's appellate issues waived and affirm the trial court's final PFA order.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 5/16/18

DORIS PRUKALA,

Plaintiff

vs.

MICHAEL PRUKALA,

Defendant

IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY

CIVIL ACTION-LAW

NO. 8183 - 2017

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**OPINION ISSUED PURSUANT TO PA.R.A.P. 1925(a)**

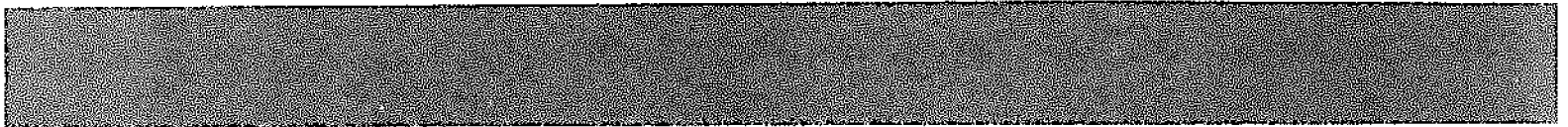
On July 10, 2017, Doris Prukala ("Plaintiff") filed a Petition for Protection of Abuse, ("PFA"), complaint, and a temporary order was issued. A final order was entered on July 18, 2017 against Defendant, Michael Prukala ("Defendant"), for a period of two (2) years.

Thereafter, on August 10, 2017, Defendant filed a Notice of Appeal to the Superior Court of Pennsylvania from the Order dated July 18, 2017, granting the Plaintiff's Protection from Abuse.

On August 31, 2017 an order was issued directing Defendant to file of record a Concise Statement of Errors Complained of on Appeal pursuant to Pa. R.A.P. 1925(b) and serve a copy of same upon and this Court pursuant to Pa. R.A.P. 1925(b)(1). The Order required the Statement to concisely identify each ruling or error Appellant intends to challenge with sufficient detail to identify all pertinent issues for the Judge to consider. Further, the Order provided that any issue not properly included in the Concise Statement and timely filed and served within thirty (30) days of the date of the Order shall be deemed waived pursuant to Rule 1925(b).

The period specified in the Order for timely filing a concise statement passed on September 30, 2017. Defendant failed to timely file a concise statement of errors pursuant to Rule 1925(b). In failing to timely file, Defendant has waived all issues for appeal. Therefore, the

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undersigned requests the Superior Court to dismiss this matter for failure to comply with the Pennsylvania Rules of Appellate Procedure.

**ORDER ATTACHED SEPARATELY AS PAGE 3.**

DORIS PRUKALA,

Plaintiff

vs.

MICHAEL PRUKALA,

Defendant

: IN THE COURT OF COMMON PLEAS  
: OF LUZERNE COUNTY

: CIVIL ACTION-LAW

: NO. 8183

- 2017

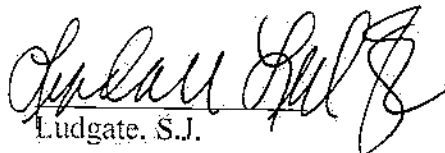
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**ORDER**

AND NOW, this 3 day of October, 2017, it is hereby **DIRECTED** that the attached Opinion is entered pursuant to Pa. R.A.P. 1925. (a) in response to Defendant's Concise Statement of Errors Complained of on Appeal.

The Clerk of Courts of Luzerne County is hereby **ORDERED** and **DIRECTED** to transmit the entire record in this case to the Superior Court of Pennsylvania, and shall serve a copy of this Order and Opinion on all counsel of record.

BY THE COURT:

  
Ludgate, S.J.