

NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P. 65.37

TIMOTHY U. CHIEKE,	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellee	:	
	:	
v.	:	
	:	
RAPHAEL K. CHIEKE,	:	
	:	
Appellant	:	No. 728 WDA 2013

Appeal from the Order Entered March 28, 2013
in the Court of Common Pleas of Allegheny County
Civil Division at No(s): AR-12-001999

BEFORE: FORD ELLIOTT, P.J.E., WECHT, and STRASSBURGER,* JJ.

MEMORANDUM BY STRASSBURGER, J.: FILED: November 27, 2013

Raphael K. Chieke (Appellant) attempts to appeal a verdict entered on March 28, 2013. We dismiss this appeal.

The background underlying this matter can be summarized in the following manner. On March 26, 2012, Timothy U. Chieke (Appellee) filed a complaint against Appellant.¹ According to the complaint, Appellee lent Appellant \$20,000.00 in 2004. Appellee averred that the parties agreed that Appellant would repay Appellee the \$20,000.00 plus \$4,000.00 in interest during 2010. Appellee further averred that Appellant has failed to pay him \$7,000.00 of the remaining balance of the loan. A panel of arbitrators awarded Appellee \$3,000.00, and Appellant appealed to the trial court.

¹ Both parties have litigated this matter *pro se*.

* Retired Senior Judge assigned to the Superior Court.

The record indicates that the parties stipulated that the matter would “be tried [by] a Judge without a jury and in accordance with Rule 1038 and 1048 R.C.P.” Stipulation, 03/28/13.² On March 28, 2013, the trial court entered a “non-jury verdict” in favor of Appellee and against Appellant in the amount of \$5,000.00.³ In its opinion, the court explained as follows:

The [c]ourt found that [Appellee] established through credible evidence that [Appellant] had breached the binding agreement between the parties and had failed to repay a portion of the funds borrowed from [Appellee]. The [c]ourt, therefore awarded [Appellee] the balance that the credible evidence indicated was due him: \$5,000.00.

Trial Court Opinion, 06/26/13, at 3.

Appellant did not file post-trial motions or praecipe for the entry of judgment. Instead, on April 26, 2013, Appellant filed a notice of appeal wherein he sought to appeal the non-jury verdict. In his brief to this Court, Appellant asks us to consider multiple issues. For the reasons that follow, we cannot reach the merits of these issues.

Once a verdict has been rendered following a trial, an aggrieved party, in circumstances such as the present, must file post-trial motions within ten days of the verdict. Pa.R.C.P. 227.1(c). By doing so, the aggrieved party preserves the issues raised in the post-trial motions for purposes of appeal.

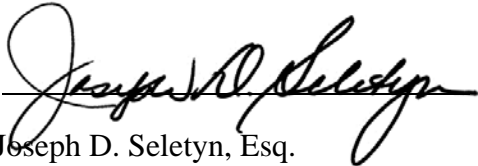
² The stipulation is date-stamped as having been filed on March 28, 2013. However, the trial court’s docket suggests that the stipulation was not filed until April 1, 2013.

³ Just like the stipulation, the verdict is date-stamped as having been entered on March 28, 2013, but the court’s docket reflects that it was entered on April 1, 2013.

See Cerniga v. Mon Valley Speed Boat Club, Inc., 862 A.2d 1272, 1274 (Pa. Super. 2004) (“Our Supreme Court has held that the filing of post-trial motions is mandatory if a litigant wishes to preserve issues for appellate review, and if an issue has not been raised in a post-trial motion, it is waived for purposes of appellate review.”).

Appeal dismissed.

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: 11/27/2013