

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

WAI FONG GONG,

IN THE SUPERIOR COURT OF
PENNSYLVANIA

v.

ROBERT CHICOYE AND CLAUDY PIERRE
LOUIS AND ALL OCCUPANTS,

APPEAL OF: FRANKLIN A. BENNETT, III

Appellant

No. 897 EDA 2012

Appeal from the Order entered March 2, 2012,
in the Court of Common Pleas of Philadelphia County,
Civil Division at September Term 2011 No: 02196

BEFORE: GANTMAN, ALLEN, and OTT, JJ.

JUDGMENT ORDER BY ALLEN, J.:

Filed: March 13, 2013

Franklin A. Bennett, III, Esquire ("Appellant"), appeals from the trial court's order directing him to pay \$500 in counsel fees pursuant to 42 Pa.C.S.A. § 2503.

This case originated as a landlord-tenant action, which was largely resolved when Robert E. Cole, Esquire, who is counsel for the plaintiff/landlord, filed a motion seeking sanctions against Appellant. The trial court convened a hearing on Mr. Cole's motion on February 27, 2012. After hearing evidence, the trial court found Appellant's conduct to be dilatory, obdurate and vexatious, and directed Appellant to pay \$500 in counsel fees to Mr. Cole. Order, 3/2/12.

Appellant filed this appeal in which he presents the following three issues:

- A. Did the trial court commit an error of fact and/or law or abuse its discretion by imposing sanctions and finding that [Appellant's] conduct was dilatory, obdurate, and vexatious?
- B. Did the trial court commit an error of fact and/or law and/or abuse its discretion in imposing sanctions when the case was over?
- C. Did the trial court commit an error of fact and/or law and/or abuse its discretion in imposing sanctions when Plaintiff-Appellee only filed a motion to strike Defendant-Appellant's motion for reconsideration that was already denied?

Appellant's Brief at 5.

Although Appellant raises three issues, he did not divide the three page argument section of his brief, in contravention of Pa.R.A.P. 2119(a) ("The argument shall be divided into as many parts as there are questions to be argued[.]"). Appellant's brief is also lacking in that it fails for the most part to "provide citation of authorities ***as are deemed pertinent***" as directed by Pa.R.A.P. 2119(a) (emphasis added). Most fatally, Appellant has failed to include in the certified record the notes of testimony from the February 27, 2012 hearing. Our review of the certified record shows that Appellant completed and filed a transcript order form on March 8, 2012, but it is not clear what happened with the transcription after that date. The notes of testimony are not in the certified record, nor has Appellant included them in his reproduced record or cited them in his brief.

It is well settled that it “is an appellant’s duty to insure that the certified record contains all documents necessary for appellate review.” ***Love-Diggs v. Tirath***, 911 A.2d 539, 541 (Pa. Super. 2006) (citation omitted). When “necessary documentation is not in the certified record, this Court will find the issue[s] raised on appeal to be waived.” ***Id.*** (citation omitted). ***See also Callahan v. Nat’l R.R. Passenger Corp.***, 979 A.2d 866, 875 n.9 (Pa. Super. 2009). Given the foregoing, we find that Appellant’s issues are waived. We therefore affirm the trial court.

Order affirmed. The case shall be stricken from the argument list.