

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

TREVOR J. STRYKER and	:	NO. 23-00845-CV
ALICA STRYKER,	:	
Plaintiffs,	:	
	:	CIVIL ACTION - LAW
vs.	:	
	:	
BRANDON HARLAN,	:	
Defendant.	:	

**OPINION PURSUANT TO RULE 1925 OF THE
PENNSYLVANIA RULES OF APPELLATE PROCEDURE**

This matter came before the Court for a non-jury trial on December 15, 2023. Plaintiff Alicia M. Stryker appeared with counsel, and testified. The Defendant did not appear. The Court notes that the Defendant appeared with counsel at the Scheduling Conference conducted on October 12, 2023. The Order of October 12, 2023, scheduling trial for December 15, 2023, was entered in open court on the record, and states that both parties were present with counsel. Thereafter, counsel for Defendant filed her written appearance in the matter on November 2, 2023. Less than one (1) month thereafter, counsel for the Defendant filed a “Praecipe to Withdraw.” The Court further notes that Rule 1012 (b)(1) of the Pennsylvania Rules of Civil Procedure provides that an attorney may not withdraw their appearance without leave of court (unless they are replaced by new counsel pursuant to 1012(b)(2)). Counsel for Defendant did not seek leave of Court to withdraw, and thus did not comply with that Rule.

Based upon the trial testimony of Alicia M. Stryker, who was the only witness to appear and testify at the non-jury trial conducted this date, the Court entered findings as follows:

1. Trevor J. Stryker and Alicia M. Stryker are the owners of a parcel of real property situate in Hepburn Township, Lycoming County, Pennsylvania bearing Lycoming County Tax Parcel 15-002-202, pursuant to a deed dated April 24, 2023, filed April 26, 2023, at Lycoming County Deed Book 9306 at page 661 (hereinafter the “Premises”), introduced as Plaintiff’s Exhibit 1.

2. Defendant Brandon Harlan (hereinafter “Harlan”) was a tenant at the Premises pursuant to a written lease dated December 17, 2014. An unsigned copy of that written lease was introduced into evidence as Plaintiff’s Exhibit 3.
3. Alicia M. Stryker testified that the original lease was signed in her presence, but thereafter misplaced.
4. The unsigned copy of the written lease marked Plaintiff’s Exhibit 3 reveals that the lease was a month-to-month lease at a rental of \$150.00 per month.
5. Alicia M. Stryker testified that Harlan has paid no rent since she became an owner of the Premises on April 24, 2023.
6. Alicia M. Stryker testified that she provided Harlan a written notice to quit the Premises, a copy of which was introduced as Plaintiff’s Exhibit 4.
7. Alicia M. Stryker testified that Exhibit 4 was personally served on Harlan by the agents of her counsel on May 4, 2023, as reflected in a Return of Service introduced as Plaintiff’s Exhibit 5.
8. On October 16, 2023, Plaintiffs filed an Amended Complaint seeking a judgment for possession of the Premises.
9. Alicia M. Stryker testified that Harlan remains at the Premises.
10. Alicia M. Stryker testified that, although Harlan is in payment default of the monthly rent of \$150.00 per month since at least April 24, 2023, Plaintiffs are unconcerned about the collection of money damages. She testified that their only concern is to secure a judgment for possession.

The Court entered its Opinion and Order dated December 15, 2023, which was filed December 18, 2023. No written Motions for Post-Trial Relief were filed under Rule 227.1 of the Pennsylvania Rules of Civil Procedure. The Court received a notice from the Superior Court, which was the first notice to this Court of the appeal filed December 27, 2023.

On January 12, 2024, the Court entered an Order pursuant to Rule 1925 of the Pennsylvania Rules of Appellate Procedure, directing the Defendant to file a concise statement of matters complained of on appeal. On January 25, 2024, the Defendant filed a five (5) page single-spaced typed statement of his position in the case, with exhibits, titled “Record of

Concise Statement of Matter.” That document contains no suggestion that the Court erred in any manner, but merely sets forth a variety of allegations regarding the conduct of the parties.

This Court is unable to speculate why, despite his attendance at the conference on October 12, 2023, Defendant failed to appear for trial. This Court is unable to speculate why counsel for Defendant filed a written appearance on November 2, 2023, and then filed a “Praecipe to Withdraw” on December 1, 2023, without seeking leave of Court as required by Rule 1012 (b)(1) of the Pennsylvania Rules of Civil Procedure. This Court is unable to speculate what testimony the Defendant may have offered had he elected to attend the non-jury trial. The findings and judgment entered by this Court were entered based upon the testimony of Alicia M. Stryker, who was the only witness to appear and testify at the non-jury trial, as well as exhibits identified by Alicia M. Stryker.

It is the position of this Court that all issues have been waived by the Defendant, for failure to raise them in a Motion for Post-Trial Relief, pursuant to Rule 227.1 of the Pennsylvania Rules of Appellate Procedure. *City of Philadelphia v. New Life Evangelistic Church*, 114 A.3d 472, 477-479 (Pa. Cmwlth. Ct. 2015), citing *Chalkey v. Roush*, 569 Pa. 462, 805 A.2d 491, 496 (Pa. 2002). *Accord, Coal Tubin’ PA, LLC v. Cambria County Transit Authority*, 162 A.3d 549, 554 (Pa.Cmwlth. 2017), citing *Motorist Mutual Insurance Company v. Pinkerton*, 574 Pa. 333, 830 A.2d 958, 964 (Pa. 2003). Further, since Defendant’s “Record of Concise Statement of Matter” contains no allegation of error by the Court, Defendant has waived all issues pursuant to Rule 1925(b)(4)(vii) of the Pennsylvania Rules of Appellant Procedure.

BY THE COURT,

William P. Carlucci, Judge

WPC/aml

cc: Court Administrator
William E. Baney, Esquire
Andrea Pulizzi, Esquire
Brandon Harlan-67 Elmo Drive, Cogan Station, PA 17728