

complaint. On January 30, 2024, Hydro filed an "Answer and Counterclaim and Third Party Complaint." On February 16, 2024, Stafiniak filed Preliminary Objections. On March 1, 2024, Hydro filed a new "Answer with New Matter and Counterclaim and Third Party Complaint¹." Thereafter, on March 11, 2024, Stafiniak filed Preliminary Objections to this Hydro pleading. Thereafter, Hydro filed an answer. After a series of continuance requests and having to deal with other motions filed by Hydro, unrelated to this appeal, by Order of Court dated March 11, 2025, this Court sustained Stafiniak's Preliminary Objections and dismissed Hydro's Counterclaim and Third-Party Complaint without prejudice to the filing of an amended counterclaim limited to counts for fraudulent conversion, breach of implied warranty of habitability, negligence and retaliatory eviction. On May 15, 2025, Hydro filed another "Answer, New Matter and Counterclaim and Third Party Complaint" which not surprisingly was met with yet another set of preliminary objections filed by Stafiniak on June 9, 2025. Instead of complying with the Court's previous Order as to what she was permitted to file, Hydro persisted in raising claims previously dismissed by the Court.

On November 7, 2025, this Court granted the majority of Stafiniak's preliminary objections. In doing so, this Court

¹ Hydro filed this pleading without being directed by the Court to do so presumably in response to Stafiniak's preliminary objections.

dismissed with prejudice the majority of the counts previously dismissed by Order of Court dated March 11, 2025. This Court let stand four causes of actions which it previously informed Hydro she could refile in an amended counterclaim however, it directed her to file, yet again, an amended counterclaim with more specificity. This Court also struck a number of paragraphs in Hydro's new matter and directed she file an amended new matter with factual support for the defenses raised therein. Hydro was given until November 27, 2025 (20 days from the date of that Order) to file the amended pleading.

On December 3, 2025, instead of filing by November 27, 2025, that amended pleading as directed, Hydro sought an extension of time to do so. On December 5, 2025, the Court granted that request, giving her until December 19, 2025 to file that pleading. Instead, on December 11, 2025, she filed the instant appeal.

On December 15, 2025, this Court directed Hydro, within twenty-one (21) days from the date thereof, to file a concise statement in accordance with Pa.R.A.P. 1925. On January 5, 2026, Hydro sought and this Court granted an extension to file that statement with said statement being due on or before January 26, 2026.

On January 27, 2026², Hydro filed her statement, albeit

² The extension granted to Hydro required her to file this statement by January 26, 2026. Due to a snowstorm which closed the courthouse on that date, she filed the statement on January 27, 2026, which we consider timely.

anything but concise. Beyond the superfluous inclusions in this statement, Hydro purports to set forth sixty-four (64) perceived errors in the entire process leading up to the filing of her appeal. This Court intends to dispense with addressing any of these issues in this Opinion and concentrate solely on the procedural defects in this appeal, requesting the Appellate Court to quash this appeal as not being a collateral order. If further required and directed by the Appellate Court thereafter to do so, this Court will attempt to address those sixty-four (64) claims.

LEGAL DISCUSSION

Hydro filed her appeal on December 11, 2025. Hydro claims this appeal was filed pursuant to Pa.R.A.P. 313, dealing with collateral orders. The Order Hydro attached to her notice of appeal is dated November 7, 2025. This Order dealt with the preliminary objections filed by Stafiniak to Hydro's second amended answer, new matter and counterclaim. In that order of November 7, 2025, this Court again struck a number of counts in Hydro's counterclaim, much like it had done in the previous Order dealing with a previous set of preliminary objections filed by Stafiniak to Hydro's first answer, new matter and counterclaim filed on March 1, 2024.³

³ This Court previously ruled that Hydro counterclaims, which it dismissed in the November 7, 2025 Order, were dismissed in the Order of Court dated March 11, 2025. This Court noted therein the limited nature of any counterclaims she could file to Stafiniak's complaint, however, instead of complying with that Order, she regurgitated those claims in her last amended answer, new matter and counterclaim.

Additionally, in that November 7, 2025 Order, this Court required Hydro to provide more specificity to support the claims it allowed to remain: Counts I, IV, XII and XVIII, those being fraudulent conversion, negligence, retaliatory eviction and breach of warranty of habitability and breach of covenant of quite (sic) enjoyment, respectively. Lastly, this Court required Hydro to refrain from referencing "third party defendants", "third party plaintiffs" "counter co-plaintiffs" and "counter co-defendants" as there are no such parties to this action. Accordingly, this Court will explain why it does not believe that the November 7, 2025 Order is a collateral order under Pa.R.A.P. 313, and request that the appeal itself be quashed.

COLLATERAL ORDER

Pa.R.A.P. 313 reads as follows:

- (a) **General Rule.** An appeal may be taken as of right from a collateral order of a trial court or other government unit.
- (b) **Definition.** A collateral order is an order separable from and collateral to the main cause of action where the right involved is too important to be denied review and the question presented is such that if review is postponed until final judgment in the case, the claim will be irreparably lost.

Thus, Hydro's appeal would need to satisfy 313(b) in order to be considered a collateral order garnishing an appeal by right.

In *Danko Development Corporation v. Econocast Corporation*, 534 A.2d 1108 (Pa. Super 1987), the court held that an order dismissing some but not all counts of a multicount counterclaim

was a non-appealable interlocutory order. *Id.* at 1115. That court went on further to say the “we must examine the complaint and determine not merely if the appellant as a litigant is out of court as to all counts, but whether it is out of court as to a separate cause of action, notwithstanding that other distinct causes of action remain before the court.” *Id.* at 1114. In our review of Hydro’s counterclaim, this Court found that she may still maintain a separate cause of action as to the claims it dismissed which are unrelated to the landlord/tenant relationship between herself and Stafiniak. Thus, the Order which she seeks to appeal is an interlocutory order, and not collateral. Accordingly, not only did that appeal need to be filed within thirty (30) days but with permission of the court⁴, permission she did not seek nor would have been received.

This Court further notes, that even if its decision to dismiss the majority of Hydro’s counterclaims is collateral to the main cause of action, her appeal should not be from the November 7, 2025 Order of Court, but rather the March 11, 2025 Order of Court, where its initial determination was made to dismiss all counterclaims except for the four causes allowed to remain. Hydro should not be permitted to file the same counterclaim knowing the same result would occur only from which she could then file a

⁴ Pa.R.A.P. 311, 312.

timely appeal because of her failure to file it timely from the March 11, 2025 decision.

CONTENTS OF 1925 STATEMENT

Next, to the extent Hydro's appeal remains viable notwithstanding this procedural defect, this Court believes her appeal should be quashed as violative of Pa.R.A.P. 1925(b)(4).

"Rule 1925(b)(4) requires a concise statement to comport with the following requirements: (1) to set forth only the errors intended to be asserted on appeal, (2) to concisely identify each error with sufficient detail to allow the judge to identify it and (3) to specify the issues without redundancy or unnecessary length even if the errors raised are numerous. Pa.R.A.P. 1925(b)(4)(i), (ii), (iv). The purpose of Rule 1925(b) "is to aid appellate review by providing a trial court the opportunity to focus its opinion upon only those issues that the appellant plans to raise on appeal," and it "guarantees predictable consequences for failure to comply with the rule." *Vazquez-Santiago v. Department of Transportation, Bureau of Licensing*, 268 A.3d 16, 25 (Pa. Commw. Ct. 2022) (internal citations omitted).

In the case *sub judice*, Hydro sets forth sixty-four(64) enumerated perceived errors of law and/or abuses of discretion from that singular Order of Court. These alleged errors, in most instances, lack focus and succinctness and are at time lacking in coherency and are redundant. Further, this Court cannot ascertain from Hydro's ramblings, and find it impossible at times to discern, the issues that she intends to raise on appeal. Believing this notice of appeal to be excessively verbose and voluminous and nothing more than a rambling narration that fail to pinpoint the issued with adequate specificity, this Court would implore the

Appellate Court to find that Hydro has waived all issues on appeal and request quashal of the same.

In the event the Appellate Court would find a need for the Trial Court to provide further explanation, finding a glimmer of succinctness in her appeal to allow it to go forward, it welcomes further direction.

BY THE COURT:



Joseph J. Matika, J.