

SUPERIOR COURT OF PENNSYLVANIA

Stanley J. Zukos Jr. v. Wen Hui Zie and Anita Lui

Zukos, 2025 Pa. Super. 98 (Superior Court of Pennsylvania 2025) · No. 770 MDA 2024 · Decided May 6, 2025

SUMMARY

The Pennsylvania Superior Court affirmed summary judgment for Wen Hui Zie and Anita Lui in Stanley J. Zukos Jr.'s claims involving conversion and alleged violations of Pennsylvania's abandoned-property provisions. The court held that the statutory claim was barred by the two-year statute of limitations because the claim accrued no later than May 27, 2020. The court also deemed the conversion argument waived because it was inadequately developed.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Bowes, J.; Olson, J.; Stabile, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	May 6, 2025
DOCKET	770 MDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Luzerne County Court of Common Pleas granting Defendants' motion for summary judgment in an action alleging violation of the Pennsylvania Landlord Tenant Act and conversion.
STANDARD OF REVIEW	Application of the statute of limitations is reviewed de novo. An order granting summary judgment is reviewed for abuse of discretion or error of law, with plenary scope of review; the appellate court applies the same standard as the trial court, views the record in the light most favorable to the nonmoving party, and resolves doubts about genuine issues of material fact against the moving party.
PRECEDENTIAL VALUE	Published and precedential Pennsylvania Superior Court opinion
PARTIES	Stanley J. Zukos Jr. v. Wen Hui Zie, Anita Lui

TOPICS

- landlord tenant
- statute of limitations
- summary judgment
- conversion
- appellate procedure

PRACTICE AREAS

civil procedure

landlord-tenant law

appellate practice

property torts

QUESTIONS PRESENTED

1. Whether the trial court erred in granting summary judgment on Plaintiff's claim under the Pennsylvania Landlord Tenant Act based on the statute of limitations.
2. Whether the trial court erred in granting summary judgment on Plaintiff's conversion claim based on the statute of limitations.

HOLDINGS

1. Plaintiff's statutory claim was barred by the two-year statute of limitations because his cause of action accrued no later than May 27, 2020, when the Superior Court denied his request to extend the deadline for retrieving his abandoned property, and he filed his praecipe more than two years later.
2. The conversion issue was waived because Plaintiff presented only a single conclusory sentence and failed to cite the record or pertinent authority or develop an argument capable of appellate review.

KEY QUOTATIONS

"Our standard of review of an order granting summary judgment requires us to determine whether the trial court abused its discretion or committed an error of law." (-6)

"As detailed, the statute clearly provides that the property was abandoned as of February 18, 2020, when Plaintiff was removed from the premises and the property remained." (-9)

"Where an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived." (-11)

FACTUAL BACKGROUND

Ms. Lui purchased Plaintiff's former residence at a sheriff's sale, and Plaintiff remained on the property with an extensive train collection and other personal effects. Defendants obtained an order for possession and took possession of the property on February 18, 2020, forcibly ejecting Plaintiff and giving him written notice that he had until March 19, 2020, to retrieve his belongings. Plaintiff did not retrieve the property, and his requests for additional time were denied by the trial court and by the Superior Court. He later sued Defendants for conversion and for violating statutory notice requirements concerning abandoned personal property.

PROCEDURAL HISTORY

After Defendants obtained possession of the property and Plaintiff failed to remove his personal property within the noticed deadline, Plaintiff filed claims for conversion and violation of 68 P.S. § 250.505a. The trial court sustained in part and overruled in part preliminary objections, required an amended complaint, and later granted Defendants' motion for summary judgment, concluding that the claims were barred by the statute of limitations and alternatively lacked merit. Plaintiff appealed, and the Superior Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Lui v. Zukos*, 237 A.3d 488, 2020 WL 2764413 (Pa. Super. 2020) (non-precedential decision)
- *Est. of Hogarty v. Jeffers Farms, Inc.*, 303 A.3d 482, 487-488 (Pa. Super. 2023)
- *Osborne v. Lewis*, 59 A.3d 1109, 1114 (Pa. Super. 2012)
- *Shonberger v. Oswell*, 530 A.2d 112, 114 (Pa. Super. 1987)
- *Commonwealth v. Armolt*, 294 A.3d 364, 377 (Pa. 2023)
- *Lynch v. Lexi's Auto Sales & Service*, 2025 WL 882704, at *3 (Pa. Super. 2025) (non-precedential decision)

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