

SUPERIOR COURT OF PENNSYLVANIA

Denia Edwards, Personal Representative of the Estate of Douglas A.
Edwards v. Norfolk Southern Railway Company

Edwards, 2025 Pa. Super. 103 (Superior Court of Pennsylvania 2025) · No. 826 EDA 2021 · Decided May 13, 2025

SUMMARY

This dissenting opinion addresses whether an estate action filed by a purported personal representative may be validated under Pennsylvania's relation-back doctrine. Judge Stabile concludes that the plaintiff was required to petition for appointment as personal representative within the statute of limitations, and that her failure to do so rendered the action a legal nullity. The opinion would reverse the order denying Norfolk Southern's motion for summary judgment and remand for entry of judgment in its favor.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stabile, J.; Lazarus, P.J.; Bowes, J.; Dubow, J.; Kunselman, J.; Nichols, J.; King, J.; Sullivan, J.; Lane, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	May 13, 2025
DOCKET	826 EDA 2021
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Norfolk Southern appealed from an order denying its motion for summary judgment in a civil action brought by Edwards on behalf of a decedent's estate.
STANDARD OF REVIEW	The dissent applied the summary-judgment framework and reviewed whether the trial court erred in denying Norfolk Southern's motion; the opinion does not separately state a formal standard-of-review formulation.
PRECEDENTIAL VALUE	published dissenting opinion; the dissent's reasoning is not binding
PARTIES	Norfolk Southern Railway Company v. Denia Edwards, personal representative of the estate of Douglas A. Edwards

TOPICS

statute of limitations

probate procedure

estate litigation

summary judgment

appellate procedure

PRACTICE AREAS

civil procedure

probate and estate litigation

appellate procedure

QUESTIONS PRESENTED

1. Whether an action filed on behalf of an estate by a person who has not yet been appointed personal representative is a legal nullity when the plaintiff filed the complaint within the limitations period but did not petition for appointment before the statute expired.
2. Whether Pennsylvania's relation-back doctrine applies when the plaintiff did not file a petition for appointment as personal representative until after the statute of limitations expired.
3. Whether Norfolk Southern was entitled to summary judgment on the ground that Edwards's action was void.

HOLDINGS

1. Under the dissent's reading of Pennsylvania law, an action filed on behalf of an estate by a person who has not been appointed personal representative is a legal nullity unless the plaintiff both files the action and petitions for appointment as personal representative within the statute of limitations, with the appointment substantially assured.
2. The relation-back doctrine does not rescue Edwards's action because she filed no petition for appointment as personal representative until after the statute of limitations expired.
3. The dissent would hold that the trial court erred by denying Norfolk Southern's motion for summary judgment and would direct entry of summary judgment in Norfolk Southern's favor.

KEY QUOTATIONS

“When a plaintiff files a complaint or writ of summons on behalf of an estate within the applicable statute of limitations but has not yet been appointed as personal representative to do so, the action is considered a legal nullity, unless the plaintiff petitions within the statute of limitations for appointment as the personal representative of the estate and the appointment is substantially assured.” (at 1)

“This empty phrase did not place Norfolk “on notice” that Edwards was bringing this action as personal representative, Majority Op. at 18, or give Norfolk reason to “proceed on the presumption” that Edwards would seek or obtain this appointment.” (at 5)

“Since relation back doctrine does not apply to this case, the trial court should have granted summary judgment to Norfolk Southern.” (at 10)

FACTUAL BACKGROUND

Edwards filed a complaint before the applicable statute of limitations expired, identifying herself as the personal representative of her late husband's estate. She had not yet been appointed personal representative and did not

petition for appointment before the limitations period ended. She waited approximately two months after expiration of the statute before moving for appointment. The dissent concluded that these circumstances prevented application of Pennsylvania's relation-back doctrine.

PROCEDURAL HISTORY

The Philadelphia County Court of Common Pleas denied Norfolk Southern's motion for summary judgment by order entered November 2, 2020. Norfolk Southern appealed. In this dissenting opinion, Judge Stabile concluded that the action was a legal nullity because Edwards had not petitioned for appointment as personal representative before the statute of limitations expired, and would have reversed and remanded for entry of summary judgment for Norfolk Southern.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The dissent would reverse the order denying summary judgment and remand with instructions to enter summary judgment in favor of Norfolk Southern Railway Company. This is the disposition proposed by the dissent, not an independently stated majority disposition.

CASES CITED

- Estate of Gasbarini v. Medical Ctr. of Beaver Cnty., 409 A.2d 343, 346-47 (Pa. 1979)
- McGuire v. Erie Lackawanna Ry. Co., 385 A.2d 466, 468 (Pa. Super. 1978)
- Prevish v. Northwest Medical Center Oil City Campus, 692 A.2d 192, 201 (Pa. Super. 1997) (en banc)
- Marzella v. King, 389 A.2d 659, 660-61 (Pa. Super. 1978)
- D'Orazio v. Locust Lake Vill., Inc., 406 A.2d 550, 552 (Pa. Super. 1979)
- Wilkes-Barre Gen. Hospital v. Lesho, 435 A.2d 1340, 1343 (Pa. Cmwlth. 1981)