

SUPERIOR COURT OF PENNSYLVANIA

MA-SA Construction, LLC and Murat Aslansan v. Benjamin Tropp and Jessica Donahue Tropp

2025 Pa. Super. 147 · No. 466 EDA 2024 · Decided July 17, 2025

SUMMARY

The Pennsylvania Superior Court held that a spouse who was not joined as a plaintiff in an arbitration concerning renovation work on marital entireties property was not an indispensable party. The court also held that the Revised Statutory Arbitration Act imposes separate jurisdictional deadlines for motions to vacate and motions to modify or correct arbitration awards. It remanded for the trial court to determine which issues sought vacatur or modification and whether the vacatur claims were timely.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stabile, J.; Bowes, J.; Kunselman, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	July 17, 2025
DOCKET	466 EDA 2024
DISPOSITION	remanded
PROCEDURAL POSTURE	Appellants appealed from the Philadelphia County Court of Common Pleas order denying their petition to vacate and/or modify a Revised Statutory Arbitration Act arbitration award and entering judgment on the award.
STANDARD OF REVIEW	Subject matter jurisdiction is reviewed de novo with a plenary scope of review.
PRECEDENTIAL VALUE	published
PARTIES	MA-SA Construction, LLC, Murat Aslansan v. Benjamin Tropp, Jessica Donahue Tropp

TOPICS

[arbitration](#)[subject matter jurisdiction](#)[appellate procedure](#)[statutory interpretation](#)[contracts](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Jessica Tropp was an indispensable party whose nonjoinder deprived the arbitrator or court of subject matter jurisdiction.
2. Whether appellants timely filed their petition to vacate or modify the arbitration award under the Revised Statutory Arbitration Act.
3. Whether the statutory deadlines for motions to vacate and motions to modify or correct an award are jurisdictional.
4. Whether the case should be remanded for the trial court to determine which claims sought vacatur or modification and when appellants received notice of the award.

HOLDINGS

1. Jessica Tropp was not an indispensable party to Benjamin Tropp's action against appellants for breach of a contract to improve entireties property because the action benefited both spouses and no evidence rebutted Benjamin's presumed authority to act for Jessica.
2. The Revised Statutory Arbitration Act's deadlines for filing a motion to vacate or a motion to modify or correct an arbitration award are jurisdictional and must be strictly observed.
3. The record was insufficient to determine whether the portions of appellants' petition seeking vacatur were timely, although the petition was timely to the extent it sought modification.

KEY QUOTATIONS

“It is a natural extension of these decisions to hold, as we do now, that one spouse may prosecute a civil action against a third party for breaching a contract to improve entireties property without joining the other spouse as a plaintiff, where the action benefits both spouses and there is no evidence rebutting the prosecuting spouse’s authority to act.” (at 11-12)

“Absent such legislative direction, we apply the plain and unambiguous language within Section 7321.24(b) mandating that a motion to vacate be filed within 30 days of receipt of an award.” (at 15-16)

“Accordingly, we remand this case to the court of common pleas for further limited proceedings.” (at 19)

FACTUAL BACKGROUND

Benjamin and Jessica Tropp contracted with MA-SA Construction, LLC to renovate their Philadelphia marital residence for \$147,000. The contract included an arbitration clause governed by Pennsylvania law. MA-SA abandoned the project before completion, and the Tropps hired other contractors to complete and correct the work. Benjamin alone initiated arbitration against MA-SA and Murat Aslansan, and the arbitrator awarded Benjamin \$157,701.28 after appellants failed to participate despite notice.

PROCEDURAL HISTORY

Benjamin Tropp initiated arbitration against MA-SA Construction, LLC and Murat Aslansan concerning defective and incomplete renovations. The arbitrator entered an award totaling \$157,701.28 in favor of Benjamin Tropp. Appellants filed a petition to vacate and/or modify the award in the Philadelphia County Court of Common Pleas on October 9, 2023. The trial court denied the petition and entered judgment on January 10, 2024. The Superior Court held that Jessica Tropp was not an indispensable party but remanded for the trial court to determine whether the remaining challenges sought vacatur or modification and whether any vacatur claims were timely.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Within sixty days, the Court of Common Pleas shall obtain briefs concerning whether the petition's issues other than the indispensable-party issue seek vacatur or modification; obtain evidence from the parties and, if necessary, the arbitrator or AAA concerning when appellants received notice of the award; and enter a supplemental Rule 1925(a) opinion specifying the notice date and whether the claims seek vacatur or modification. Panel jurisdiction was retained.

CASES CITED

- Strasburg Scooters, LLC v. Strasburg Rail Rd., Inc., 210 A.3d 1064 (Pa. Super. 2019)
- Schultz v. MMI Prod., Inc., 30 A.3d 1224 (Pa. Super. 2011)
- Carr v. First Commonwealth Bank, 335 A.3d 1199 (Pa. Super. 2025)
- Northern Forests II, Inc. v. Keta Realty Company, 130 A.3d 19 (Pa. Super. 2015)
- J.R. Christ Construction Co. v. Olevsky, 232 A.2d 196 (Pa. 1967)
- Miller v. Benjamin Coal Co., 625 A.2d 66 (Pa. Super. 1993)
- International Processplants and Equipment Corporation v. Metro Industrial Wrecking and Environmental Contractors, Inc., 2023 WL 6629713 (Pa. Super. 2023)
- Hall v. Nationwide Mutual Ins. Co., 629 A.2d 954 (Pa. Super. 1993)
- Whittaker v. Lu, 323 A.3d 871 (Pa. Super. 2024)
- Johnson v. Johnson, 908 A.2d 290 (Pa. Super. 2006)
- Kennedy v. Erkman
- Bradney v. Sakelson, 473 A.2d 189 (Pa. Super. 1984)
- Sgro v. Sgro, 393 A.2d 900 (Pa. Super. 1978)
- Hartley v. Langkamp & Elder, 90 A. 402 (Pa. 1914)

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