

SUPERIOR COURT OF PENNSYLVANIA

Donna L. Eisenhart v. Wellspan Health d/b/a Wellspan York Hospital

2025 Pa. Super. 222 · No. 1681 MDA 2024 · Decided October 1, 2025

SUMMARY

The Pennsylvania Superior Court vacated an order denying Donna L. Eisenhart’s petition to reinstate a premises-liability action dismissed for inactivity. The court held that the record did not establish proper service of the notice of proposed termination under Pennsylvania Rule of Civil Procedure 230.2 or the Rule 236 notice of the termination order, so the applicable filing periods were not triggered and remand was required.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stabile, J.; Bowes, J.; Stevens, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	October 1, 2025
DOCKET	1681 MDA 2024
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from an order of the Court of Common Pleas of York County denying Appellant's petition to reinstate a premises-liability action that had been terminated with prejudice for inactivity.
STANDARD OF REVIEW	De novo review and plenary scope of review apply to issues concerning the operation of procedural rules of court.
PRECEDENTIAL VALUE	Published and precedential Pennsylvania Superior Court opinion
PARTIES	Donna L. Eisenhart v. Wellspan Health d/b/a Wellspan York Hospital

TOPICS

- civil procedure
- appellate procedure
- standard of review
- preservation of error

PRACTICE AREAS

- civil procedure
- appellate procedure
- premises liability

QUESTIONS PRESENTED

1. Whether the record established that the notice of proposed termination was served in accordance with Pennsylvania Rule of Civil Procedure 230.2(b), such that the thirty-day period for filing a statement of intention to proceed began to run.
2. Whether the record established that Rule 236 notice of the order terminating the action was given, such that the sixty-day period for filing a petition to reinstate began to run.

HOLDINGS

1. A docket entry identifying a notice of proposed termination and a copy of the notice bearing counsel's correct address do not establish that the notice was served in a manner required by Rule 230.2(b). Without record evidence showing compliant service, the thirty-day period for filing a statement of intention to proceed did not begin to run, and termination was improper.
2. The prothonotary's docket entry stating only "Case terminated per local rule 230.2" did not satisfy Rule 236(b)'s requirement that the docket note the giving of notice of the order. Because valid Rule 236 notice was not established, the sixty-day period for seeking reinstatement was never triggered, and the trial court was required to reinstate the action under Rule 230.2(d)(2).

KEY QUOTATIONS

"Liberally construing the rules of procedure, we must conclude that Rule 230.2 is not satisfied where the prothonotary has failed to indicate anywhere in the record that the notice was sent in a manner required by that rule." (at 9)

"This Court explained further that, even if the parties received actual notice, it would be "of no moment" since a vague allusion to "notice" was legally insufficient to apprise the reviewing court of whether proper notice was given." (at 13)

"The lack of valid service of that notice, however, means that the 60-day period "was never triggered."" (at 14)

FACTUAL BACKGROUND

Eisenhart filed a premises-liability action in 2017, but the case experienced minimal docket activity for several years. On June 10, 2024, the prothonotary entered a notice of proposed termination, but the docket did not state that the notice was served by mail, electronic service, or another method authorized by Pennsylvania Rule of Civil Procedure 230.2. The trial court later terminated the case with prejudice, and the docket likewise did not state that Rule 236 notice of the termination order had been provided. Eisenhart's counsel averred that he did not learn of the termination until checking the docket in October 2024.

PROCEDURAL HISTORY

Eisenhart commenced the action by writ of summons in 2017. After extended docket inactivity, the York County Prothonotary entered a notice of proposed termination on June 10, 2024, and the trial court entered an order terminating the action with prejudice on July 15, 2024. Eisenhart petitioned to reinstate the action, asserting that neither the proposed-termination notice nor the termination order had been properly served or docketed. The trial court denied reinstatement and reconsideration, and Eisenhart appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The order denying reinstatement is vacated, and the case is remanded for further proceedings consistent with the opinion. Jurisdiction is relinquished.

CASES CITED

- Trimble v. Rodriguez, 200 A.3d 566 (Pa. Super. 2018)
- Green Acres Rehab. and Nursing Ctr. v. Sullivan, 113 A.3d 1261 (Pa. Super. 2015)
- Murphy v. Murphy, 988 A.2d 703 (Pa. Super. 2010)
- Bank of N.Y. Mellon Tr. Co. v. Limberis, 301 A.3d 902 (Pa. Super. 2023)
- Carr v. Michuck, 234 A.3d 797 (Pa. Super. 2020)
- Smithson v. Columbia Gas of PA/NiSource, 265 A.3d 755 (Pa. Super. 2021)
- Fischer v. UPMC Northwest, 34 A.3d 115 (Pa. Super. 2011)