

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

ATNIGHT MEDIA, LLC, DUANE "DOG" : IN THE SUPERIOR COURT OF
CHAPMAN, SETH R. ROGERS, TONY : PENNSYLVANIA
L. MATTHIS, ANDRA GRIFFIN, :
BRITTNEY N. JACKSON, CHRISTINA :
O'DONNELL, HONG Y. XIE, JULIA :
VALENTI, CPT., AND NIK "THE HAT" :
HATZIEFSTATHIOU :

Appellants : No. 1252 EDA 2025

v. :

STEPHANIE JO TRUDE, JESSICA :
LYNN SENG, AND DOES 1 THROUGH :
50 :

Appeal from the Order Entered April 17, 2025
In the Court of Common Pleas of Delaware County Civil Division at
No(s): CV-2024-009083

BEFORE: NICHOLS, J., MURRAY, J., and BENDER, P.J.E.

MEMORANDUM BY NICHOLS, J.:

FILED SEPTEMBER 23, 2026

Appellant AtNight Media, LLC appeals from the order granting Appellees Stephanie Jo Trude and Jessica Lynn Seng's (collectively, Appellees) motions to dismiss based on protected public expression¹ as well as the order denying Appellant's motion for a preliminary injunction. On appeal, Appellant claims that the trial court erred by dismissing the case prior to trial without following various procedural requirements. On appeal, we affirm.

The trial court set forth the facts of this case as follows:

¹ **See** 42 Pa.C.S. § 8320.1, 8340.11-18.

This case arises from alleged statements and/or conduct of [Appellees], who host true crime podcasts on YouTube and moderate on-line discussions with members of the public (through on-line “chat rooms”) about news and/or criminal investigations. In particular, [Appellees] have discussed the case of a missing Tennessee child in public and/or publicly available on-line channels, podcasts, “live shows” and/or “chat rooms” on YouTube. The father of the missing child is [Appellant] Seth Rogers, who has coordinated with various individuals and entities (including but not limited to the other nine Plaintiffs in this case, all of whom are either a media company, a television personality and various YouTube broadcasters and/or podcasters and/or online/social media personalities’) to attempt to find his son.

Trial Ct. Op., 4/17/25, at 3 (some formatting altered and footnote omitted).

Appellant filed a complaint on October 18, 2024 alleging approximately forty-seven causes of action against Appellees. On November 6, 2024, Appellant filed a motion for leave to amend the complaint. Appellee Trude filed preliminary objections on November 12, 2024. On December 20, 2024, Appellee Trude filed a motion to dismiss pursuant to Pennsylvania’s Anti-SLAPP law and Appellee Seng filed a similar motion seeking dismissal on December 23, 2024 (collectively, Anti-SLAPP motions).^{2,3} Appellant filed individual responses to the Anti-SLAPP motions on February 14, 2025.

² While entitled as motions pursuant to 42 Pa.C.S. § 8320.1, both Appellees clearly identified their filings as special motions to dismiss pursuant to 42 Pa.C.S. § 8340.16. **See** Appellee Trude’s Motion, 12/20/24, at 1, 4 (unpaginated); Appellee Seng’s Motion, 12/23/24, at 1, 3, 11 (unpaginated).

³ 42 Pa.C.S. §§ 8340.11-8340.18, also known as the Uniform Public Expression Protection Act (UPEPA), is a statutory scheme protecting against strategic lawsuits against public participation. **See** 42 Pa.C.S. § 8340.11 cmt. (stating that “although ‘SLAPP’--an acronym for ‘strategic lawsuit against public participation’--does not appear in the Act’s title, the [UPEPA] should be considered an anti-SLAPP act” (some formatting altered)).

On February 18, 2025, the trial court held oral argument on the Anti-SLAPP motions. Thereafter, Appellees filed briefs in support of their respective motions. On March 21, 2025, Appellant filed a document entitled “Emergency Motion for Protective Order and to Enjoin Unauthorized Recording, Broadcasting, and Doxxing.” **See** Mot. for a Prelim. Inj., 3/21/25. Several days later, on March 26, 2025, Appellant filed a document entitled “Amended Emergency Motion for Protective Order and to Enjoin Unauthorized Recording, Broadcasting, and Doxxing” (March 26th amended motion for a preliminary injunction). **See** Am. Mot. for a Prelim. Inj., 3/26/25.

On April 17, 2025, the trial court granted Appellee’s Anti-SLAPP motions and dismissed Appellant’s complaint. That same day, in a separate order the trial court denied Appellant’s March 26th amended motion for a preliminary injunction as moot or, in the alternative, as meritless. Appellant filed a timely notice of appeal. The trial court did not order Appellant to file a Pa.R.A.P. 1925(b) statement.

On appeal, Appellant raises the following issues for our review, which we have reordered as follows:

1. Did the trial court err in applying 42 Pa.C.S. § 8340.16’s procedural framework before it became effective, as conditioned by Act 72 of 2024, § 7(1)?
2. Does enforcing § 8340.16[,] absent Supreme Court promulgation[,] violate the separation-of-powers doctrine under Pa. Const, art. V, § 10(c)?
3. Did the [trial] court abuse its discretion by treating [Appellant’s March 26th amended motion for a preliminary injunction] as “moot,” instead of applying § 8340.16(f)(2)(ii)’s public-safety

exception and independent prohibitions on courtroom recording (18 Pa.C.S. § 5103.1)?

4. Did the [trial] court abuse its discretion by dismissing with prejudice while a timely Pa.R.C.P. 1033 motion to amend was pending, without findings of futility or undue prejudice?
5. Did the [trial] court err by weighing credibility and disregarding Appellants' sworn evidence, in violation of § 8340.15, Pa.R.C.P. 1035.2, and the **Nanty-Glo**^[4] rule?
6. Did the trial court abuse its discretion by refusing narrowly tailored discovery necessary to oppose the special motion, contrary to 42 Pa.C.S. § 8340.16(f)(2)(i)?
7. Did the [trial] court err by resolving the special motions without the oral argument hearing required by § 8340.16(d) and without developing a record to determine whether Appellees' conduct was protected "public expression" or unprotected harassment?

Appellant's Brief at 16-17 (some formatting altered).

Waived Issues

Before we reach the merits of Appellant's claims, we must first address whether they have been preserved for our review. **See Tucker v. R.M. Tours**, 939 A.2d 343, 346 (Pa. Super. 2007) (recognizing that this Court may raise the issue of waiver *sua sponte*). "The issue of waiver presents a question of law, and, as such, our standard of review is *de novo* and our scope of review is plenary." **Trigg v. Children's Hosp. of Pittsburgh of UPMC**, 229 A.3d 260, 269 (Pa. 2020) (citation omitted).

It is well established that "issues not raised in the trial court are waived and cannot be raised for the first time on appeal." Pa.R.A.P. 302(a).

⁴ **See Nanty-Glo v. American Surety**, 163 A. 523 (Pa. 1932).

Specifically, “to preserve a claim of error for appellate review, a party must make a specific objection to the alleged error before the trial court in a timely fashion and at the appropriate stage of the proceedings; failure to raise such objection results in waiver of the underlying issue on appeal.” ***PCS Chadaga v. Torres***, 252 A.3d 1154, 1157-58 (Pa. Super. 2021) (some formatting altered and citation omitted). This rule of preservation applies even to “issues . . . of constitutional dimension.” ***Id.*** at 1158.

Further, Pa.R.A.P. 2117(c) requires, in relevant part, that an appellant include in its statement of the case “the state of the proceedings in the court of first instance . . . at which, and the manner in which, the questions sought to be reviewed were raised.” Pa.R.A.P. 2117(c)(1). Pa.R.A.P. 2119(e) similarly requires the argument section of the brief to contain “substantially the same information” as Rule 2119(e). It is axiomatic that “it is not the responsibility of this Court to scour the record to prove that appellant has raised an issue before the trial court, thereby preserving it for appellate review.” ***Matthews v. Erie Ins. Grp.***, 244 A.3d 844, 851 (Pa. Super. 2021) (citation omitted and some formatting altered).

An appellant also waives an issue on appeal where it fails “to develop cognizable arguments with discussion and citation to relevant authority.” ***Saber v. Navy Fed. Credit Union***, 350 A.3d 965, 970 (Pa. Super. 2026) (citations omitted); ***see also Wirth v. Commonwealth***, 95 A.3d 822, 837 (Pa. 2014) (holding that appellate courts may *sua sponte* find waiver for failure to adhere to Pa.R.A.P. 2119(a) regarding the argument section of their

brief on appeal); Pa.R.A.P. 2119(a) (requiring the argument section of an appellate brief to contain discussion and citation to pertinent authority). “Without a reasoned discussion of the law against which to adjudge [an appellant’s] claims, our ability to provide appellate review is hampered. It is not this Court’s function to become an advocate for the appellant.” ***Estate of Haiko v. McGinley***, 799 A.2d 155, 161 (Pa. Super. 2002)(some formatting altered and citation omitted).

Further, issues raised in the statement of questions section of an appellate brief that are not otherwise developed in the argument section of the brief are waived. ***See Dickens v. Barnhart***, 711 A.2d 513, 515 n.5 (Pa. Super. 1998).

Here, after our review of the record, we conclude that Appellant has waived five of its claims on appeal. Specifically, we find Appellant’s claims regarding the effectiveness of 42 Pa.C.S. § 8340.16, the violation of the separation of powers doctrine, the denial of its preliminary injunction, the denial of its motion for leave to amend its complaint, and the trial court’s alleged error in weighing credibility each waived on appeal for the various reasons explained below.

For the claims regarding the effectiveness of Section 8340.16 and the separation of powers issue, Appellant failed to raise these issues in the trial court and, therefore, these issues are waived on appeal. ***See*** Pa.R.A.P. 302(a); ***see also PCS Chadaga***, 252 A.3d at 1157-58. In its appellate brief, Appellant identifies the issue regarding the effective date of the statute as

being preserved for appeal at the February 18, 2025 hearing, citing to specific pages of the transcript. **See** Appellant's Brief at 20 n.2, 49 (citing N.T., 2/18/25, at 20, 56, 62). However, the cited pages are devoid of any objection based on the effective date of the statute. **See** N.T., 2/18/25, at 20, 56, 62.⁵ Appellant identifies the separation of powers challenge as being preserved at the same hearing, citing to specific pages of the transcript. **See** Appellant's Brief at 20 n.2, 49 (citing N.T., 2/18/25, at 46, 51, 62, 65, 75). Again, these pages are devoid of any objection on separation of powers grounds. **See** N.T., 2/18/25, at 46, 51, 62, 65, 75. Further, Appellant's responses to the Anti-SLAPP motions do not raise either of these arguments. **See** Appellant's Resp. to Appellee Seng's Anti-SLAPP Mot., 2/14/25; Appellant's Resp. to Appellee Trude's Anti-SLAPP Mot., 2/14/25. Accordingly, since these arguments were not raised in the trial court, they are waived on appeal. **See** Pa.R.A.P. 302(a); **see also PCS Chadaga**, 252 A.3d at 1157-58; **Matthews**, 244 A.3d at 851.

As to Appellant's claim that the trial court erred by failing to apply 42 Pa.C.S. § 8340.16(f)(2)(ii)'s public-safety stay exception before denying Appellant's March 26th amended motion for a preliminary injunction as moot, we also find that claim waived as Appellant failed to raise Section 8340.16(f)(2)(ii)'s exception to the stay imposed by Section 8340.16(e) in the

⁵ The record reflects that, at the hearing, Appellant mentioned the lack of Supreme Court rule making for the statute. **See** N.T., 2/18/25, at 20, 74. However, Appellant failed to make an objection to the ineffectiveness of the statute on that ground. **See id.**; **see also PCS Chadaga**, 252 A.3d at 1157-58.

trial court. **See** Am. Mot. for a Prelim. Inj., 3/26/25; **see also** Pa.R.A.P. 302(a). On appeal, Appellant argues that “Section 8340.16(f)(2)(ii) provides that, upon good cause, the court may hear and rule on a request for special or preliminary injunctive relief to protect against an imminent threat to public health or safety [and] directs courts to consider safety-focused injunctions notwithstanding the stay and the pendency of dismissal.” Appellant’s Brief at 37-38 (some formatting altered). Appellant claims that “the record satisfied good cause” under the statute and “showed imminent threats to safety and the judicial process.” **Id.** at 38. Accordingly, Appellant seeks vacatur of the order denying its March 26th amended motion for a preliminary injunction and a remand to the trial court for the court to “consider the motion on its merits under § 8340.16(f)(2)(ii) and Pa.R.C.P. 1531.” **See id.** at 42.

However, a review of Appellant’s March 26th amended motion for a preliminary injunction reveals that Appellant never made any argument regarding the applicability of Section 8340.16(f)(2)(ii) in the trial court.⁶ **See** Am. Mot. for a Prelim. Inj., 3/26/25. Accordingly, we find this claim waived on appeal. **See** Pa.R.A.P. 302(a); **see also PCS Chadaga**, 252 A.3d at 1157-58; **Boring v. Conemaugh Memorial Hosp.**, 760 A.2d 860, 861 (Pa. Super. 2000) (stating that “an appellant cannot present one theory of relief in the

⁶ While Appellant specifically refers to its March 26th amended motion for a preliminary injunction in its appellate brief, **see** Appellant’s Brief at 37-42, its March 21, 2025 motion for a preliminary injunction is also devoid of any reference to this statute. **See** Mot. for a Prelim. Inj., 3/21/25.

trial court and pursue a different theory on appeal” (some formatting altered and citation omitted)).

Additionally, as to Appellant’s claim that the trial court erred by failing to allow amendment of the complaint, we find that claim waived due to Appellant’s failure to develop its supporting argument in its appellate brief. **See *Saber***, 350 A.3d at 970; **see also *Wirth***, 95 A.3d at 837; Pa.R.A.P. 2119(a). Appellant alleges that the trial court abused its discretion by dismissing the case while a timely motion to amend was pending. **See** Appellant’s Brief at 42-45. Specifically, Appellant argues that it filed a motion to amend the complaint on November 6, 2024, and that the trial court then failed to rule on the amended motion when it dismissed the complaint on April 17, 2025. **See *id.*** at 43.

However, the record reflects that the trial court did not rule on Appellant’s motion to amend because of the stay imposed under 42 Pa.C.S. § 8340.16(e). **See** Trial Ct. Order, 4/17/25, at 1 n.2 (stating that “the resolution of [Appellant’s motion to amend the complaint] was stayed pursuant to statute”). Despite the trial court’s rationale for not ruling on Appellant’s motion to amend, Appellant fails to respond to the statutory procedural requirements noted by the trial court in its appellate brief in order to explain why the stay of proceedings did not apply to its motion to amend and, consequently, has not presented this Court with a path to reach the merits of the claim. **See** Appellant’s Brief at 42-45. Accordingly, we conclude that Appellant’s brief fails “to develop cognizable arguments with discussion

and citation to relevant authority” and, therefore, we find Appellant’s claim waived on appeal. **See *Saber***, 350 A.3d at 970; **see also *Wirth***, 95 A.3d at 837; Pa.R.A.P. 2119(a); ***Estate of Haiko***, 799 A.2d at 161.

Finally, as to Appellant’s argument claiming the trial court erred by allegedly weighing credibility at the February 18, 2025 hearing, Appellant failed to include an argument section addressing this claim in its appellate brief. **See** Appellant’s Brief at 23-48. While Appellant includes this issue in its statement of questions section, it has failed to develop the issue in the argument section of its brief and, therefore, the issue is waived on appeal. **See *Dickens***, 711 A.2d at 515 n.5.

For the reasons stated above, we find Appellant’s first five claims waived on appeal.

Discovery Issue

Appellant’s next claim is that the trial court abused its discretion by denying “targeted discovery authorized by 42 Pa.C.S. § 8340.16(f)(2)(i) and recognized by Pa.R.Civ.P. 1035.3(B).” Appellant’s Brief at 23. Specifically, Appellant argues that Section 8340.16(f)(2) allows limited discovery to seek information not otherwise reasonably available but necessary to show immunity under Section 8340.15. **See *id.*** at 23-24. Appellant contends requested discovery narrowly tailored to “(i) authentication and complete copies of the broadcasts/recordings at issue; (ii) platform monetization and solicitation data relevant to § 8340.14(b)(3)’s commercial-speech exclusion; and (iii) communications bearing on knowledge of falsity or reckless

disregard.” **See id.** at 24. Appellant claims that the denial of its request for discovery “prevented development of facts made material by [42 Pa.C.S.] § 8340.15 and § 8340.14, including commercial context, actual malice, and the specific content of the challenged broadcasts.” **See id.** at 25.

This Court has previously addressed the standard of review of an order concerning discovery as follows:

Generally, on review of an order concerning discovery, an appellate court applies an abuse of discretion standard. However, where an issue presents a pure question of law, our standard of review is *de novo* and our scope of review is plenary.

Linde v. Linde, 222 A.3d 776, 786 (Pa. Super. 2019).

Generally, Section 8340.16 requires a court to stay discovery once a motion under the statute is made. **See** 42 Pa.C.S. § 8340.16(e)(1). However, trial courts may “allow limited discovery if a party shows that specific information: (A) is necessary to establish whether a party has satisfied or failed to satisfy a burden under section 8340.15 (relating to grant of immunity); and (B) is not reasonably available unless discovery is allowed.” **Id.** at (f)(2)(i) (some formatting altered).

After our review of the record, we conclude that the trial court did not err or abuse its discretion in denying Appellant’s motion for discovery because Appellant failed to satisfy the requirements under Section 8340.16(f)(2)(i). **See Linde**, 222 A.3d at 786; 42 Pa.C.S. § 8340.16(f)(2)(i). In particular, Appellant failed to identify “specific information” that was necessary to

establish immunity, or lack thereof, that was not reasonably available unless discovery was allowed. **See** 42 Pa.C.S. § 8340.16(f)(2)(i).

Appellant made its motion for discovery at the February 18, 2025 hearing. **See** N.T., 2/18/25, at 7. In arguing the motion, Appellant's counsel stated "I have the discovery to hand to [Appellees'] counsel. I believe it would be relevant to them to have the exhibits and discovery in this case and to continue to -- the continuing course of action. So we're asking the court for a short time to provide that discovery." **Id.** at 10. Appellant's counsel stated that these materials amounted to "hundreds of hours of digital evidence . . . that [he had] on thumb drives" that he was unable to upload into the trial court's filing system. **Id.** at 10-11. Appellant sought to turn those materials over to Appellees and to obtain "any other discovery that may be needed in this case for this oral argument." **Id.** at 11. When the trial court inquired about "what kind of discovery" Appellant needed, Appellant's counsel replied "some information as to the basis of their podcast. So we have the podcast . . . going all the way back to the beginning of October from [Appellees] regarding my clients and statements about my clients." **Id.** at 10, 14-15. When the court pressed Appellant's counsel regarding what specific materials Appellant needed in discovery, he responded "I believe that there are interrogatories that can be filed to ask questions about what [Appellees] mean on these . . . hundreds of hours of podcasts. . . . I believe there's information that can be garnered on a limited basis . . . to find out what it is that [Appellees] had intention as far as these podcasts." **Id.** at 19.

Because Appellant failed to identify any “specific information” that was “not reasonably available unless discovery is allowed,” we conclude that the trial court did not err in denying limited discovery under Section 8340.16.⁷ **See *Linde***, 222 A.3d at 786; 42 Pa.C.S. § 8340.16(f)(2)(i).

Failure to Hold a Hearing or Develop the Record

Appellant’s final argument is that the trial court erred by granting Appellees’ Anti-SLAPP motions without holding a hearing or developing the record “as required under 42 Pa.C.S. §§ 8340.15-8340.16.” Appellant’s Brief at 45-48. Specifically, Appellant argues that it “vigorously contended that Appellees’ actions fell outside the statute’s protective umbrella” because Appellees’ actions were commercial speech, which is excluded from the Anti-SLAPP statute, and was “unprotected harassment.” ***Id.*** at 46-47. Appellant claims that Section 8340.16(d) “mandated a hearing” and not just the “trial court’s perfunctory argument only session” and that failure to hold an evidentiary hearing “deprived Appellants of a fair process to show that their case should proceed because the speech was unprotected.” ***Id.*** at 48 (some formatting altered). Accordingly, Appellant seeks a remand for the trial court

⁷ We note that Appellant now argues that it “requested narrow discovery tailored to the statutory issues: (i) authentication and complete copies of the broadcasts/recordings at issue; (ii) platform monetization and solicitation data relevant to § 8340.14(b)(3)’s commercial-speech exclusion; and (iii) communications bearing on knowledge of falsity or reckless disregard.” Appellant’s Brief at 35 (citing N.T., 2/18/25, at 18-19, 24-25, 62, 75). However, the record does not reflect that these arguments were presented to the trial court. **See** N.T., 2/18/25, at 7-25, 62, 74. Accordingly, we find these arguments waived on appeal. **See** Pa.R.A.P. 302(a); **see also *PCS Chadaga***, 252 A.3d at 1157-58.

to “to conduct the required threshold hearing and analysis under §§ [8340.15] and [8340.16(d)] on a properly developed factual record.” ***Id.***

Appellant’s claim requires us to interpret 42 Pa.C.S. § 8340.16(d). “Where the issue is the proper interpretation of a statute, it poses a question of law; thus, our standard of review is *de novo*, and the scope of our review is plenary.” ***Yocabet v. UPMC Presbyterian***, 119 A.3d 1012, 1019 (Pa. Super. 2015) (citations omitted and formatting altered).

This Court has previously summarized the law of statutory construction as follows:

The Statutory Construction Act, 1 Pa.C.S. §§ 1901–1991, sets forth principles of statutory construction to guide a court's efforts with respect to statutory interpretation. In so doing, however, the Act expressly limits the use of its construction principles. The purpose of statutory interpretation is to ascertain the General Assembly’s intent and to give it effect. In discerning that intent, courts first look to the language of the statute itself. If the language of the statute clearly and unambiguously sets forth the legislative intent, it is the duty of the court to apply that intent and not look beyond the statutory language to ascertain its meaning. Courts may apply the rules of statutory construction only when the statutory language is not explicit or is ambiguous.

. . . We must read all sections of a statute together and in conjunction with each other, construing them with reference to the entire statute. When construing one section of a statute, courts must read that section not by itself, but with reference to, and in light of, the other sections. Statutory language must be read in context, together and in conjunction with the remaining statutory language.

Every statute shall be construed, if possible, to give effect to all its provisions. We presume the legislature did not intend a result that is absurd, impossible, or unreasonable, and that it intends the entire statute to be effective and certain. When evaluating the interplay of several statutory provisions, we recognize that

statutes that relate to the same class of persons are *in pari materia* and should be construed together, if possible, as one statute.

Also, when interpreting a statute we must listen attentively to what the statute says, but also to what it does not say.

Retina Assocs. of Greater Phila., Ltd. v. Retinovitreal Assocs., Ltd.,

176 A.3d 263, 270 (Pa. Super. 2017) (citations and internal quotation marks omitted).

Section 8340.16(d), describing the procedures available to a trial court once a special motion to dismiss has been filed, states the following:

Upon motion under subsection (a), all of the following apply:

(1) Subject to paragraphs (2) and (3), the court shall hear oral argument on the motion within 60 days after the motion is filed.

(2) The court may extend the time period under paragraph (1):

(i) to allow discovery under subsection (f)(2)(i); or

(ii) for good cause.

(3) If paragraph (2) applies, the court shall hear argument as follows:

(i) For an extension under paragraph (2)(i):

(A) within 60 days after the court order allowing the discovery; or

(B) for good cause, on the date specified by the court.

(ii) For an extension under paragraph (2)(ii), on the date specified by the court.

(4) In ruling on a motion under subsection (a), the court shall consider the record as defined in Pa.R.C.P. No. 1035.1 (relating to Motion for Summary Judgment. Definition), the

special motion and responses and the evidence which can be considered on a motion for summary judgment under Pa.R.C.P. No. 1035.2 (relating to motion).

(5) Within 60 days after hearing oral argument under paragraph (1) or (3), the court shall:

(i) rule on a motion under subsection (a); and

(ii) place on the record a written opinion stating its reasoning for its ruling.

42 Pa.C.S. § 8340.16(d).

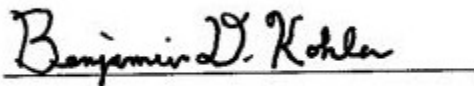
While Appellant claims that it was entitled to an evidentiary hearing once Appellees' filed their motions under Section 8340.16(a), that claim is undermined by the plain language of Section 8340.16(d). ***See id.; see also Retina Assocs.***, 176 A.3d at 270. Section 8340.16(d) clearly and unambiguously states that once a motion is filed under Section 8340.16(a) the trial court "**shall hear oral argument** on the motion within 60 days after the motion is filed." ***See*** 42 Pa.C.S. § 8340.16(d)(1) (emphasis added). The plain language of Section 8340.16(d) does not provide for an evidentiary hearing upon the filing of a motion under the statute. ***See id.*** As Appellant concedes, the trial court held oral argument on the motion on February 18, 2025. ***See*** Appellant's Brief at 48 (referring to the February 18, 2025 hearing as a "perfunctory 'argument-only' session"); ***see also*** N.T., 2/18/25, at 5 (reflecting that the trial court heard oral argument on Appellees' Anti-SLAPP motions). Accordingly, Appellant has failed to establish a right under the statute to an evidentiary hearing upon the filing of the motion and, further, the trial court properly followed the procedure set forth in Section

8340.16(d)(1) because it held oral argument on the motions, which is all that is required by the plain language of the statute. **See Yocabet**, 119 A.3d at 1019; **Retina Assocs.**, 176 A.3d at 270; 42 Pa.C.S. § 8340.16(d).

Accordingly, for the reasons stated above, we conclude that all of Appellant's claims are meritless or waived. Therefore, we affirm the trial court's April 17, 2025 orders.⁸

Orders affirmed. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink that reads "Benjamin D. Kohler". The signature is written in a cursive style and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/23/2026

⁸ This Court deferred to the merits panel consideration of various applications filed by Appellants and Appellees while the appeal was pending. **See**, Order, 12/19/25. Now, in light of our disposition of this appeal, we hereby **DENY** Appellee Trude's application to quash filed November 4, 2025; Appellee Seng's application to quash also filed November 4, 2025; and Appellees' joint application to quash filed November 18, 2025. **See** Appellee Trude's Appl. to Quash, 11/4/25; Appellee Seng's Appl. to Quash, 11/4/25; Appellees Appl. to Quash, 11/18/25. We also hereby **DENY** Appellants' application for relief filed November 10, 2025, in which Appellants' requested leave to file a corrected brief to update citations to the reproduced record, expedited disposition, and a single-judge disposition. **See** Appellants' Appl. for Relief, 11/10/25.