

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IAN NATOWSKY	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
GYEONG J. MOON	:	No. 715 EDA 2025

Appeal from the Order Entered February 26, 2025
In the Court of Common Pleas of Philadelphia County Civil Division at
No(s): 240302977

BEFORE: LAZARUS, P.J., SULLIVAN, J., and STEVENS, P.J.E.*

MEMORANDUM BY SULLIVAN, J.:

FILED OCTOBER 13, 2026

Ian Natowsky ("Natowsky") appeals, *pro se*, from the order sustaining the preliminary objections of Gyeong Jin Moon ("Moon"), also *pro se*, and dismissing his amended complaint with prejudice. As Natowsky's issues are either meritless or waived, we affirm.

We glean the following factual and procedural history from the trial court opinion and the certified record. In August 2024, Natowsky, a *pro se* litigant, filed a complaint against Moon, who is the mother of Natowsky's two children and has approximately eighty percent primary custody. In September 2024, Moon filed preliminary objections to Natowsky's complaint, which the court sustained; the court ultimately granted Natowsky twenty-one days to file an amended complaint. **See** Trial Court Opinion, 9/9/25, at 1-2.

* Former Justice specially assigned to the Superior Court.

In December 2024, Natowsky filed an amended complaint. **See id.** at 2. The amended complaint alleged that Moon told various third parties that Natowsky had used drugs and, while intoxicated, masturbated in front of the parties' minor child, and also that he had orally sexually abused the family dog. Natowsky also alleged that an iPad audio recording he had inadvertently made depicting him receiving said oral sex from the dog, was taken from him and conveyed to Moon, who informed others that she had the recording. **See generally** Amended Complaint, 12/30/14, at ¶¶14-28; **see also** Natowsky's Brief at 30-31 (noting Moon had no access to the iPad, but received the recording from two former employees at Natowsky's place of employment). Natowsky attached to his amended complaint a Pennsylvania Department of Human Services ("DHS") report indicating abuse allegations against him were "unfounded," but that the parties' child reported observing Natowsky "laying on the floor, flopping around and making strange noises while using [a] vibrating wand" and "using a blanket to cover himself, so [the child] was unsure if [Natowsky] was wearing clothing underneath the blanket." Amended Complaint, 12/30/24, at 2. The child, however, "denied inappropriate touching by [Natowsky], but [he] does use the massager on [Natowsky's] back." **Id.** When DHS contacted Natowsky for an interview, he "began yelling, cursing[,], and hung up the phone" **Id.** The DHS report did not indicate any findings as to the dog.

In the amended complaint, Natowsky sought over \$1.2 million in damages. Specifically, Natowsky claimed \$560,000 in damages for litigation fees: \$10,500 for “personal time lost (\$35/hr) in research (300 hours)”;

\$13,000 for “[l]egal fee average . . . for criminal defense attorney accusation [sic]”; \$31,500 in lost work profits; \$3,000 in the cost of contractor’s wages while Natowsky was performing legal work; \$250,000 for the value of a copied recording; and \$250,000 for a mental breakdown and other related injuries.” Trial Court Opinion, 9/9/25, at 9; Amended Complaint, 12/30/24, at ¶ 29. Additionally, Natowsky sought \$715,000 in punitive damages. Trial Court Opinion, 9/9/25, at 9; Amended Complaint, 12/30/24, at ¶ 31.

Following Moon’s preliminary objections, the court dismissed, for lack of legal sufficiency, Natowsky’s defamation claim in Count 1, relating to Moon’s statements to third parties that Natowsky had, while on various drugs, masturbated in front of their minor children and sexually abused the family dog. **See** Trial Court Opinion, 9/9/25, at 10. The court dismissed Count 2 of Natowsky’s amended complaint, titled “Theft by Unlawful Taking or Disposition,” relating to the allegedly stolen audio recording, because it lacked subject matter jurisdiction to hear it, as Natowsky’s claim was based on a criminal offense set forth at 18 Pa.C.S.A. § 3921 (theft by unlawful taking) and 18 Pa.C.S.A. § 5703 (wiretapping and electronic surveillance). **See id.** at 11. The court dismissed Count 3, a claim for invasion of privacy/false light portrayal, regarding the contents of the recording, because it failed to state a

valid cause of action. **See id.** The court likewise dismissed Count 4, claiming intentional infliction of emotional distress (“IIED”), relating to Moon’s various unflattering statements about Natowsky, having concluded Natowsky’s averments did not meet the legal standard for IIED. **See id.** at 12. The court also concluded that Natowsky’s requests for \$560,000 in compensatory damages and \$715,000 in punitive damages, were legally and factually baseless. **See id.** at 13. The court further reasoned that Natowsky’s requests for litigation fees and criminal defense fees were improper because, as a *pro se* litigant, he had not incurred any legal fees and was not entitled to recover for time spent on legal research or for legal fees from a criminal case that was never filed. **See id.**

Following the dismissal of his amended complaint, Natowsky timely appealed on March 12, 2025. Both Natowsky and the trial court have complied with Pa.R.A.P. 1925.

Natowsky raises the following issues for our review:

1. Whether the trial judge, the third assigned to the case, should have offered to or *sua sponte* recused herself based on perceived or implicit bias when []Moon used her ethnicity in *passim* [sic] to qualify her own innocence?
2. Whether [] Moon had legal access to [] Natowsky’s personal audio recording without his knowledge and consent, referenced as “Theft by Unlawful Possession” in the amended complaint?
3. Whether [] Moon’s false interpretation of, her copying, threatening with, and malicious use of [] Natowsky’s audio recording qualify as defamatory under civil statute?

4. Whether [] Moon's behaviour [sic] is "intentional and outrageous" and constitutes IIED against [] Natowsky ?

Natowsky's Brief at 6-7.

In his first issue, Natowsky argues the trial judge erred in declining to recuse herself. Our standard of review is abuse of discretion. **See *Lomas v. Kravitz***, 170 A.3d 380, 389 (Pa. 2017). An abuse of discretion is not merely an error of judgment, but occurs only where the law is overridden or misapplied, or the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias or ill will, as shown by the evidence or the record. **See *id.***

With respect to when recusal is appropriate, this Court has explained:

The party who asserts that a trial judge must be disqualified must produce evidence establishing bias, prejudice, or unfairness which raises a substantial doubt as to the jurist's ability to preside impartially. There is a presumption that judges of this Commonwealth are honorable, fair and competent, and, when confronted with a recusal demand, are able to determine whether they can rule in an impartial manner, free of personal bias or interest in the outcome. If the judge determines he or she can be impartial, the judge must then decide whether his or her continued involvement in the case creates an appearance of impropriety and/or would tend to undermine public confidence in the judiciary. This is a personal and unreviewable decision that only the jurist can make.

Lomas, 130 A.3d at 122 (internal citations and quotation marks omitted).

Here, Natowsky essentially argues that because the trial judge and Moon shared Korean ancestry, and because the trial judge is an advocate, outside of the courtroom, for Asian American advancement, she must have been biased in favor of Moon. **See** Natowsky's Brief at 22-29. While Natowsky

advances several instances of the trial judge advocating for Asian American advancement in the broader community, notably, he cites to no instances of bias pertaining to the specific litigation at issue.

The trial court considered Natowsky's claim and opined that she was not biased and that to grant Natowsky's motion would "establish a dangerous precedent, barring judges from presiding over cases involving litigants of their own background." Trial Court Opinion, 9/9/25, at 6. The court noted Natowsky advanced no "objective evidence of partiality," and, having conducted her own inquiry into her "emotions and potential biases," and in light of her unfamiliarity with the parties or facts of their case outside of court, the judge concluded "no legally sufficient grounds for my recusal exist." *Id.* at 7.

Based on our review, we conclude Natowsky's claim merits no relief. Natowsky advances no specific evidence from the court proceedings of bias on the part of the trial judge, but instead baldly supposes that because the trial judge was a member of the same minority group as Moon, she must be biased. Natowsky's argument—based on generalized racial presumptions—falls far short of satisfying his burden of advancing evidence of bias. **See *Lomas***, 130 A.3d at 122 (providing that a party seeking recusal must produce evidence establishing bias or prejudice). Accordingly, this issue is meritless.

In his second issue, Natowsky raises multiple allegations related to the "unauthorized" audio recording of him. While the statement of questions

involved suggests that he intends to raise a claim of “theft by unlawful possession” against Moon, he elsewhere indicates that he has “remove[d] this charge from the complaint” and filed a private criminal complaint against Moon rather than pursue this issue in his present civil case. **Compare** Natowsky’s Brief at 6 **with id.** at 32.

While it appears that Natowsky has opted not to pursue this issue on appeal, we note in any event that, based on Natowsky’s failure to present a clear and cogent argument regarding his second question, we would find this issue waived. **See Commonwealth v. Sanford**, 445 A.2d 149, 150 (Pa. Super. 1982) (quashing an appeal where a brief contained “a general, rambling discourse with innuendos of unfairness but few citations of authority,” rendering the defects in a brief substantial to the point that it impeded appellate review).

In his third issue, Natowsky argues the trial court erred in sustaining the preliminary objection to his defamation claim. This Court has explained the standard of review as follows:

Our standard of review of an order of the trial court overruling or granting preliminary objections is to determine whether the trial court committed an error of law. When considering the appropriateness of a ruling on preliminary objections, the appellate court must apply the same standard as the trial court.

Preliminary objections in the nature of a demurrer test the legal sufficiency of the complaint. . . . Preliminary objections which seek the dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish

the right to relief. If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections.

Bargo v. Kuhns, 98 A.3d 686, 689 (Pa. Super. 2014) (internal citation and indentation omitted). **See also** Pa.R.Civ.P. 1028(a). Notably, “[w]hen determining whether the trial court properly sustained the preliminary objections, this Court will examine the averments in the complaint, **together with the documents and exhibits attached thereto.**” **Hoffman v. Gongaware**, 186 A.3d 453, 457 (Pa. Super. 2018) (internal citation and quotation omitted; emphasis added).

The law regarding defamation is as follows:

A *prima facie* case for defamation requires the plaintiff to plead the following: (1) the defamatory character of the communication; (2) publication of the communication to a third party; (3) the communication refers to the plaintiff; (4) the third party’s understanding of the communication’s defamatory character; and (5) injury. Whether a challenged statement is capable of defamatory meaning is a question of law for the court to determine in the first instance. A communication may be considered defamatory if it tends to harm the reputation of another so as to lower him or her in the estimation of the community or to deter third persons from associating or dealing with him or her. A statement of mere opinion is not defamatory.

Bell v. Mayview State Hosp., 853 A.2d 1058, 1061–62 (Pa. Super. 2004) (internal citations and quotations omitted); **see also** 42 Pa.C.S.A. § 8343 (setting forth the elements for defamation). Truth is an absolute defense to a defamation claim. **See Chicarella v. Passant**, 494 A.2d 1109, 1115 n.5 (Pa. Super. 1985); **see also Bobb v. Kraybill**, 511 A.2d 1379, 1380 (Pa.

Super. 1986) (stating that truth “is an absolute defense to defamation in Pennsylvania).

Here, Natowsky argues the trial court erred in sustaining Moon’s preliminary objections regarding his defamation claim. He argues: allegations of pedophilia and bestiality are defamatory; Moon communicated these allegations to third parties; the allegations referred to him; the allegations were understood by the recipients; and he was thereby injured—specifically, he has “suffered extreme gerd [sic], emotional depression, a cracked molar, weight gain, insomnia, mental distraction from business as a result, a loss of time and money for [*pro se*] legal work to defend his business/ income/ and character as a result of this defamatory attack [sic].” Natowsky’s Brief at 34-37. Natowsky argues that DHS found the claims of child abuse against him to be unfounded, and, accordingly, Moon’s assertions were false. ***See id.*** at 35.

The trial court considered this issue and determined Natowsky failed to make out a claim for defamation; it explained, in relevant part:

[Natowsky’s] claim rests on a demonstrable mischaracterization of the evidence. [Natowsky] repeatedly asserts that a [DHS] report found all allegations against him to be “false.” However, the report itself states that the determination of “unfounded” by DHS was based on one of the following: “(1) the incident did not occur, (2) the injury was not of a serious nature, **or** (3) substantial evidence was not found.” (emphasis added). [Natowsky’s] central premise is directly contradicted by his own exhibit, demonstrating the futility of allowing a re-pleading.

Trial Court Opinion, 9/9/25, at 10-11.

Our review uncovers no error of law by the trial court. We note, firstly, that Natowsky's appellate argument hinges entirely on the alleged "declaration of innocence by DHS." Natowsky's Brief at 39-40; **see also id.** at 34. However, a review of the DHS exhibits attached to Natowsky's complaint confirm that DHS drew no such conclusion. Rather, it concluded the report of child abuse was unfounded "because of **one of the following**: (1) the incident did not occur, (2) the injury was not of a serious nature, **or** (3) substantial evidence was not found." **See** Amended Complaint, 12/30/24, Ex. B, at 3 (emphases added). Indeed, DHS investigation notes appended to Natowsky's complaint, on their face corroborate Moon's allegations, insofar as DHS noted that during the forensic interview,

XXXX disclosed [Natowsky] observed laying on the floor, flopping around and making strange noises while using [Natowsky's] vibrating wand. XXXX disclosed [Natowsky] was using a blanket to cover himself, so XXXX was unsure if [Natowsky] was wearing clothing underneath the blanket. XXXX stated [Natowsky] asked [] if XXXX saw anything when [Natowsky] was done. XXXX disclosed [Natowsky] has also done the same thing while sitting in a chair with a blanket. . . .

Id. at 2.¹

Because Natowsky's own exhibits, which he relies on to establish the falsity of Moon's statements, undermines rather than corroborates his defamation claim, we conclude the trial court did not err in sustaining a

¹ The exhibit does not address Natowsky's alleged bestiality, and, thus, contrary to Natowsky's assertion, does not show the falsity of this communication.

preliminary objection and dismissing the defamation claim. **See Hoffman**, 186 A.3d at 457 (in reviewing an order sustaining preliminary objections, this Court may look to the complaint and its attachments); **Bobb**, 511 A.2d at 1380 (truth is an absolute defense to defamation).

In his fourth issue, Natowsky argues the trial court erred in sustaining Moon's preliminary objections because he pleaded the elements of IIED.

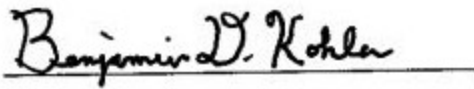
Before reviewing this issue, we must determine whether it is preserved. An appellant's failure to include an issue in his 1925(b) statement waives that issue for purposes of appellate review. **See McKeeman v. Corestates Bank, N.A.**, 751 A.2d 655, 658 (Pa. Super. 2000).

Our review of Natowsky's Rule 1925(b) statement reveals he has waived his IIED claim. Natowsky raised the following issues in his 1925(b) statement: (1) the trial court declined to hold a hearing; (2) the court did not permit him to submit a reply to Moon's response to his response to her preliminary objections; (3) a service issue; (4) the recusal issue discussed above; and (5) the court did not adequately consider his defamation claim asserting *per se* libel and slander. **See generally** Natowsky's Rule 1925(b) Statement, 4/8/25. Any errors arising from the disposition of his IIED claim are absent from Natowsky's 1925(b) statement. Because Natowsky did not include IIED in his concise statement, he has waived it for our review. **See McKeeman**, 751 A.2d at 658.

In sum: because none of Natowsky's preserved issues merit relief, we affirm the order sustaining Moon's preliminary objections and dismissing Natowsky's complaint with prejudice.

Order affirmed.

Judgment Entered.

A handwritten signature in cursive script, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/13/2026

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The law regarding defamation is as follows:

A *prima facie* case for defamation requires the plaintiff to plead the following: (1) the defamatory character of the communication; (2) publication of the communication to a third party; (3) the communication refers to the plaintiff; (4) the third party’s understanding of the communication’s defamatory character; and (5) injury. Whether a challenged statement is capable of defamatory meaning is a question of law for the court to determine in the first instance. A communication may be considered defamatory if it tends to harm the reputation of another so as to lower him or her in the estimation of the community or to deter third persons from associating or dealing with him or her. A statement of mere opinion is not defamatory.

Bell v. Mayview State Hosp., 853 A.2d 1058, 1061–62 (Pa. Super. 2004) (internal citations and quotations omitted); **see also** 42 Pa.C.S.A. § 8343 (setting forth the elements for defamation). Truth is an absolute defense to a defamation claim. **See Chicarella v. Passant**, 494 A.2d 1109, 1115 n.5 (Pa. Super. 1985); **see also Bobb v. Kraybill**, 511 A.2d 1379, 1380 (Pa.

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Our review uncovers no error of law by the trial court. We note, firstly, that Natowsky's appellate argument hinges entirely on the alleged "declaration of innocence by DHS." Natowsky's Brief at 39-40; **see also id.** at 34. However, a review of the DHS exhibits attached to Natowsky's complaint confirm that DHS drew no such conclusion. Rather, it concluded the report of child abuse was unfounded "because of **one of the following**: (1) the incident did not occur, (2) the injury was not of a serious nature, **or** (3) substantial evidence was not found." **See** Amended Complaint, 12/30/24, Ex. B, at 3 (emphases added). Indeed, DHS investigation notes appended to Natowsky's complaint, on their face corroborate Moon's allegations, insofar as DHS noted that during the forensic interview,

XXXX disclosed [Natowsky] observed laying on the floor, flopping around and making strange noises while using [Natowsky's] vibrating wand. XXXX disclosed [Natowsky] was using a blanket to cover himself, so XXXX was unsure if [Natowsky] was wearing clothing underneath the blanket. XXXX stated [Natowsky] asked [] if XXXX saw anything when [Natowsky] was done. XXXX disclosed [Natowsky] has also done the same thing while sitting in a chair with a blanket. . . .

Id. at 2.¹

Because Natowsky's own exhibits, which he relies on to establish the falsity of Moon's statements, undermines rather than corroborates his defamation claim, we conclude the trial court did not err in sustaining a

¹ The exhibit does not address Natowsky's alleged bestiality, and, thus, contrary to Natowsky's assertion, does not show the falsity of this communication.

preliminary objection and dismissing the defamation claim. **See Hoffman**, 186 A.3d at 457 (in reviewing an order sustaining preliminary objections, this Court may look to the complaint and its attachments); **Bobb**, 511 A.2d at 1380 (truth is an absolute defense to defamation).

In his fourth issue, Natowsky argues the trial court erred in sustaining Moon's preliminary objections because he pleaded the elements of IIED.

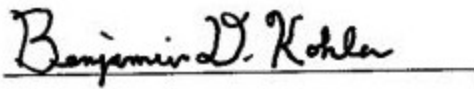
Before reviewing this issue, we must determine whether it is preserved. An appellant's failure to include an issue in his 1925(b) statement waives that issue for purposes of appellate review. **See McKeeman v. Corestates Bank, N.A.**, 751 A.2d 655, 658 (Pa. Super. 2000).

Our review of Natowsky's Rule 1925(b) statement reveals he has waived his IIED claim. Natowsky raised the following issues in his 1925(b) statement: (1) the trial court declined to hold a hearing; (2) the court did not permit him to submit a reply to Moon's response to his response to her preliminary objections; (3) a service issue; (4) the recusal issue discussed above; and (5) the court did not adequately consider his defamation claim asserting *per se* libel and slander. **See generally** Natowsky's Rule 1925(b) Statement, 4/8/25. Any errors arising from the disposition of his IIED claim are absent from Natowsky's 1925(b) statement. Because Natowsky did not include IIED in his concise statement, he has waived it for our review. **See McKeeman**, 751 A.2d at 658.

In sum: because none of Natowsky's preserved issues merit relief, we affirm the order sustaining Moon's preliminary objections and dismissing Natowsky's complaint with prejudice.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/13/2026

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

IAN NATOWSKY	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
GYEONG J. MOON	:	No. 715 EDA 2025

Appeal from the Order Entered February 26, 2025
In the Court of Common Pleas of Philadelphia County Civil Division at
No(s): 240302977

BEFORE: LAZARUS, P.J., SULLIVAN, J., and STEVENS, P.J.E.*

MEMORANDUM BY SULLIVAN, J.:

FILED OCTOBER 13, 2026

Ian Natowsky ("Natowsky") appeals, *pro se*, from the order sustaining the preliminary objections of Gyeong Jin Moon ("Moon"), also *pro se*, and dismissing his amended complaint with prejudice. As Natowsky's issues are either meritless or waived, we affirm.

We glean the following factual and procedural history from the trial court opinion and the certified record. In August 2024, Natowsky, a *pro se* litigant, filed a complaint against Moon, who is the mother of Natowsky's two children and has approximately eighty percent primary custody. In September 2024, Moon filed preliminary objections to Natowsky's complaint, which the court sustained; the court ultimately granted Natowsky twenty-one days to file an amended complaint. **See** Trial Court Opinion, 9/9/25, at 1-2.

* Former Justice specially assigned to the Superior Court.

In December 2024, Natowsky filed an amended complaint. **See id.** at 2. The amended complaint alleged that Moon told various third parties that Natowsky had used drugs and, while intoxicated, masturbated in front of the parties' minor child, and also that he had orally sexually abused the family dog. Natowsky also alleged that an iPad audio recording he had inadvertently made depicting him receiving said oral sex from the dog, was taken from him and conveyed to Moon, who informed others that she had the recording. **See generally** Amended Complaint, 12/30/14, at ¶¶14-28; **see also** Natowsky's Brief at 30-31 (noting Moon had no access to the iPad, but received the recording from two former employees at Natowsky's place of employment). Natowsky attached to his amended complaint a Pennsylvania Department of Human Services ("DHS") report indicating abuse allegations against him were "unfounded," but that the parties' child reported observing Natowsky "laying on the floor, flopping around and making strange noises while using [a] vibrating wand" and "using a blanket to cover himself, so [the child] was unsure if [Natowsky] was wearing clothing underneath the blanket." Amended Complaint, 12/30/24, at 2. The child, however, "denied inappropriate touching by [Natowsky], but [he] does use the massager on [Natowsky's] back." **Id.** When DHS contacted Natowsky for an interview, he "began yelling, cursing[,], and hung up the phone" **Id.** The DHS report did not indicate any findings as to the dog.

In the amended complaint, Natowsky sought over \$1.2 million in damages. Specifically, Natowsky claimed \$560,000 in damages for litigation fees: \$10,500 for “personal time lost (\$35/hr) in research (300 hours)”;

\$13,000 for “[l]egal fee average . . . for criminal defense attorney accusation [sic]”; \$31,500 in lost work profits; \$3,000 in the cost of contractor’s wages while Natowsky was performing legal work; \$250,000 for the value of a copied recording; and \$250,000 for a mental breakdown and other related injuries.” Trial Court Opinion, 9/9/25, at 9; Amended Complaint, 12/30/24, at ¶ 29. Additionally, Natowsky sought \$715,000 in punitive damages. Trial Court Opinion, 9/9/25, at 9; Amended Complaint, 12/30/24, at ¶ 31.

Following Moon’s preliminary objections, the court dismissed, for lack of legal sufficiency, Natowsky’s defamation claim in Count 1, relating to Moon’s statements to third parties that Natowsky had, while on various drugs, masturbated in front of their minor children and sexually abused the family dog. **See** Trial Court Opinion, 9/9/25, at 10. The court dismissed Count 2 of Natowsky’s amended complaint, titled “Theft by Unlawful Taking or Disposition,” relating to the allegedly stolen audio recording, because it lacked subject matter jurisdiction to hear it, as Natowsky’s claim was based on a criminal offense set forth at 18 Pa.C.S.A. § 3921 (theft by unlawful taking) and 18 Pa.C.S.A. § 5703 (wiretapping and electronic surveillance). **See id.** at 11. The court dismissed Count 3, a claim for invasion of privacy/false light portrayal, regarding the contents of the recording, because it failed to state a

valid cause of action. **See id.** The court likewise dismissed Count 4, claiming intentional infliction of emotional distress (“IIED”), relating to Moon’s various unflattering statements about Natowsky, having concluded Natowsky’s averments did not meet the legal standard for IIED. **See id.** at 12. The court also concluded that Natowsky’s requests for \$560,000 in compensatory damages and \$715,000 in punitive damages, were legally and factually baseless. **See id.** at 13. The court further reasoned that Natowsky’s requests for litigation fees and criminal defense fees were improper because, as a *pro se* litigant, he had not incurred any legal fees and was not entitled to recover for time spent on legal research or for legal fees from a criminal case that was never filed. **See id.**

Following the dismissal of his amended complaint, Natowsky timely appealed on March 12, 2025. Both Natowsky and the trial court have complied with Pa.R.A.P. 1925.

Natowsky raises the following issues for our review:

1. Whether the trial judge, the third assigned to the case, should have offered to or *sua sponte* recused herself based on perceived or implicit bias when [] Moon used her ethnicity in *passim* [sic] to qualify her own innocence?
2. Whether [] Moon had legal access to [] Natowsky’s personal audio recording without his knowledge and consent, referenced as “Theft by Unlawful Possession” in the amended complaint?
3. Whether [] Moon’s false interpretation of, her copying, threatening with, and malicious use of [] Natowsky’s audio recording qualify as defamatory under civil statute?

4. Whether [] Moon's behaviour [sic] is "intentional and outrageous" and constitutes IIED against [] Natowsky ?

Natowsky's Brief at 6-7.

In his first issue, Natowsky argues the trial judge erred in declining to recuse herself. Our standard of review is abuse of discretion. **See *Lomas v. Kravitz***, 170 A.3d 380, 389 (Pa. 2017). An abuse of discretion is not merely an error of judgment, but occurs only where the law is overridden or misapplied, or the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias or ill will, as shown by the evidence or the record. **See *id.***

With respect to when recusal is appropriate, this Court has explained:

The party who asserts that a trial judge must be disqualified must produce evidence establishing bias, prejudice, or unfairness which raises a substantial doubt as to the jurist's ability to preside impartially. There is a presumption that judges of this Commonwealth are honorable, fair and competent, and, when confronted with a recusal demand, are able to determine whether they can rule in an impartial manner, free of personal bias or interest in the outcome. If the judge determines he or she can be impartial, the judge must then decide whether his or her continued involvement in the case creates an appearance of impropriety and/or would tend to undermine public confidence in the judiciary. This is a personal and unreviewable decision that only the jurist can make.

Lomas, 130 A.3d at 122 (internal citations and quotation marks omitted).

Here, Natowsky essentially argues that because the trial judge and Moon shared Korean ancestry, and because the trial judge is an advocate, outside of the courtroom, for Asian American advancement, she must have been biased in favor of Moon. **See** Natowsky's Brief at 22-29. While Natowsky

advances several instances of the trial judge advocating for Asian American advancement in the broader community, notably, he cites to no instances of bias pertaining to the specific litigation at issue.

The trial court considered Natowsky's claim and opined that she was not biased and that to grant Natowsky's motion would "establish a dangerous precedent, barring judges from presiding over cases involving litigants of their own background." Trial Court Opinion, 9/9/25, at 6. The court noted Natowsky advanced no "objective evidence of partiality," and, having conducted her own inquiry into her "emotions and potential biases," and in light of her unfamiliarity with the parties or facts of their case outside of court, the judge concluded "no legally sufficient grounds for my recusal exist." *Id.* at 7.

Based on our review, we conclude Natowsky's claim merits no relief. Natowsky advances no specific evidence from the court proceedings of bias on the part of the trial judge, but instead baldly supposes that because the trial judge was a member of the same minority group as Moon, she must be biased. Natowsky's argument—based on generalized racial presumptions—falls far short of satisfying his burden of advancing evidence of bias. **See *Lomas***, 130 A.3d at 122 (providing that a party seeking recusal must produce evidence establishing bias or prejudice). Accordingly, this issue is meritless.

In his second issue, Natowsky raises multiple allegations related to the "unauthorized" audio recording of him. While the statement of questions

involved suggests that he intends to raise a claim of “theft by unlawful possession” against Moon, he elsewhere indicates that he has “remove[d] this charge from the complaint” and filed a private criminal complaint against Moon rather than pursue this issue in his present civil case. **Compare** Natowsky’s Brief at 6 **with id.** at 32.

While it appears that Natowsky has opted not to pursue this issue on appeal, we note in any event that, based on Natowsky’s failure to present a clear and cogent argument regarding his second question, we would find this issue waived. **See Commonwealth v. Sanford**, 445 A.2d 149, 150 (Pa. Super. 1982) (quashing an appeal where a brief contained “a general, rambling discourse with innuendos of unfairness but few citations of authority,” rendering the defects in a brief substantial to the point that it impeded appellate review).

In his third issue, Natowsky argues the trial court erred in sustaining the preliminary objection to his defamation claim. This Court has explained the standard of review as follows:

Our standard of review of an order of the trial court overruling or granting preliminary objections is to determine whether the trial court committed an error of law. When considering the appropriateness of a ruling on preliminary objections, the appellate court must apply the same standard as the trial court.

Preliminary objections in the nature of a demurrer test the legal sufficiency of the complaint. . . . Preliminary objections which seek the dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish

the right to relief. If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections.

Bargo v. Kuhns, 98 A.3d 686, 689 (Pa. Super. 2014) (internal citation and indentation omitted). **See also** Pa.R.Civ.P. 1028(a). Notably, “[w]hen determining whether the trial court properly sustained the preliminary objections, this Court will examine the averments in the complaint, **together with the documents and exhibits attached thereto.**” **Hoffman v. Gongaware**, 186 A.3d 453, 457 (Pa. Super. 2018) (internal citation and quotation omitted; emphasis added).

The law regarding defamation is as follows:

A *prima facie* case for defamation requires the plaintiff to plead the following: (1) the defamatory character of the communication; (2) publication of the communication to a third party; (3) the communication refers to the plaintiff; (4) the third party’s understanding of the communication’s defamatory character; and (5) injury. Whether a challenged statement is capable of defamatory meaning is a question of law for the court to determine in the first instance. A communication may be considered defamatory if it tends to harm the reputation of another so as to lower him or her in the estimation of the community or to deter third persons from associating or dealing with him or her. A statement of mere opinion is not defamatory.

Bell v. Mayview State Hosp., 853 A.2d 1058, 1061–62 (Pa. Super. 2004) (internal citations and quotations omitted); **see also** 42 Pa.C.S.A. § 8343 (setting forth the elements for defamation). Truth is an absolute defense to a defamation claim. **See Chicarella v. Passant**, 494 A.2d 1109, 1115 n.5 (Pa. Super. 1985); **see also Bobb v. Kraybill**, 511 A.2d 1379, 1380 (Pa.

Super. 1986) (stating that truth “is an absolute defense to defamation in Pennsylvania).

Here, Natowsky argues the trial court erred in sustaining Moon’s preliminary objections regarding his defamation claim. He argues: allegations of pedophilia and bestiality are defamatory; Moon communicated these allegations to third parties; the allegations referred to him; the allegations were understood by the recipients; and he was thereby injured—specifically, he has “suffered extreme gerd [sic], emotional depression, a cracked molar, weight gain, insomnia, mental distraction from business as a result, a loss of time and money for [*pro se*] legal work to defend his business/ income/ and character as a result of this defamatory attack [sic].” Natowsky’s Brief at 34-37. Natowsky argues that DHS found the claims of child abuse against him to be unfounded, and, accordingly, Moon’s assertions were false. ***See id.*** at 35.

The trial court considered this issue and determined Natowsky failed to make out a claim for defamation; it explained, in relevant part:

[Natowsky’s] claim rests on a demonstrable mischaracterization of the evidence. [Natowsky] repeatedly asserts that a [DHS] report found all allegations against him to be “false.” However, the report itself states that the determination of “unfounded” by DHS was based on one of the following: “(1) the incident did not occur, (2) the injury was not of a serious nature, **or** (3) substantial evidence was not found.” (emphasis added). [Natowsky’s] central premise is directly contradicted by his own exhibit, demonstrating the futility of allowing a re-pleading.

Trial Court Opinion, 9/9/25, at 10-11.

Our review uncovers no error of law by the trial court. We note, firstly, that Natowsky's appellate argument hinges entirely on the alleged "declaration of innocence by DHS." Natowsky's Brief at 39-40; **see also id.** at 34. However, a review of the DHS exhibits attached to Natowsky's complaint confirm that DHS drew no such conclusion. Rather, it concluded the report of child abuse was unfounded "because of **one of the following**: (1) the incident did not occur, (2) the injury was not of a serious nature, **or** (3) substantial evidence was not found." **See** Amended Complaint, 12/30/24, Ex. B, at 3 (emphases added). Indeed, DHS investigation notes appended to Natowsky's complaint, on their face corroborate Moon's allegations, insofar as DHS noted that during the forensic interview,

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Id. at 2.¹

Because Natowsky's own exhibits, which he relies on to establish the falsity of Moon's statements, undermines rather than corroborates his defamation claim, we conclude the trial court did not err in sustaining a

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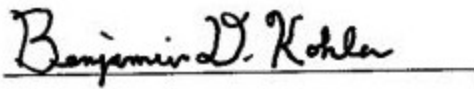
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Our review of Natowsky's Rule 1925(b) statement reveals he has waived his IIED claim. Natowsky raised the following issues in his 1925(b) statement: (1) the trial court declined to hold a hearing; (2) the court did not permit him to submit a reply to Moon's response to his response to her preliminary objections; (3) a service issue; (4) the recusal issue discussed above; and (5) the court did not adequately consider his defamation claim asserting *per se* libel and slander. **See generally** Natowsky's Rule 1925(b) Statement, 4/8/25. Any errors arising from the disposition of his IIED claim are absent from Natowsky's 1925(b) statement. Because Natowsky did not include IIED in his concise statement, he has waived it for our review. **See McKeeman**, 751 A.2d at 658.

In sum: because none of Natowsky's preserved issues merit relief, we affirm the order sustaining Moon's preliminary objections and dismissing Natowsky's complaint with prejudice.

Order affirmed.

Judgment Entered.

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Benjamin D. Kohler, Esq.
Prothonotary

Date: 10/13/2026