

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2343

ELENI MAVRAKIS
Appellant

v.

MARMAXX OPERATING CORP.; TJ MAXX EXPRESS INC; JOHN DOE 1-10; ABC
COMPANIES 1-10; XYZ CORPORATIONS 1-10

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2:24-cv-05772)
District Judge: Hon. Gerald J. Pappert

Submitted Under Third Circuit LAR 34.1(a)
September 15, 2026

Before: HARDIMAN, BIBAS, and RENDELL, *Circuit Judges*.

(Filed: September 18, 2026)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

HARDIMAN, *Circuit Judge*.

After Eleni Mavrakis slipped and fell on a puddle in a TJ Maxx store, she sued the store owner, Marmaxx Operating Corp., for negligence. The District Court granted Marmaxx summary judgment because there was “no evidence that Marmaxx knew or should have known of the puddle.” *Mavrakis v. TJX Cos., Inc.*, 2025 WL 1698700, at *2 (E.D. Pa. June 17, 2025). Mavrakis appealed. For substantially the reasons stated in the District Court’s cogent opinion, we will affirm.

Unfortunately, Mavrakis’s appellate brief is also deficient. It is essentially a copy-and-paste job of a brief she filed in the District Court. So we will order counsel to show cause as to why we should not award damages under Rule 38 of the Federal Rules of Appellate Procedure or otherwise sanction them for filing a frivolous appeal.

I¹

First, the District Court did not err. A store owner, like Marmaxx, owes a duty to invitees, like Mavrakis, and may face liability for harm caused by a condition on the land. *Zito v. Merit Outlet Stores*, 647 A.2d 573, 574–75 (Pa. Super. Ct. 1994). A plaintiff must prove the store owner breached that duty by failing “to exercise reasonable care to protect them” against a dangerous condition that the owner knew about or would have discovered through the exercise of reasonable care. *Id.* (citation omitted) Mavrakis conceded—both in the District Court and in her nearly identical appellate brief—that she

¹ The District Court had jurisdiction under 28 U.S.C. §§ 1332(a) and 1441(a). We have jurisdiction under 28 U.S.C. § 1291. We review the District Court’s summary judgment de novo. *Conboy v. United States Small Bus. Admin.*, 992 F.3d 153, 156 n.1 (3d Cir. 2021).

“cannot point to any evidence that [Marmaxx] had actual knowledge” of the puddle. Mavrakis Br. 3. Mavrakis claims that Marmaxx nevertheless *should* have known about the puddle. But she provides no evidence to support the conclusion that “Marmaxx’s agents would have discovered the puddle upon reasonable inspection,” as required under Pennsylvania law. *Mavrakis*, 2025 WL 1698700, at *2; *see Zito*, 647 A.2d at 575 (explaining that a slip-and-fall plaintiff must present some evidence that an owner should have known about the dangerous condition). As the District Court explained, the puddle was a “transitory condition” and there was “no evidence of how it was formed or how long [it] existed.” *Mavrakis*, 2025 WL 1698700, at *2; *see also Neve v. Insalaco’s*, 771 A.2d 786, 791 (Pa. Super. Ct. 2001) (noting that store owners typically do not have constructive notice of “transitory spill[s]” because they “could have occurred an instant before the accident”). So there was nothing in the record that could support a jury’s conclusion that a reasonable inspection would have resulted in the puddle’s discovery. Because Mavrakis could not show that Marmaxx breached its duty of care, the Court’s summary judgment was proper.

II

Having decided the merits of the appeal, we turn to Mavrakis’s deficient brief. Appellants’ briefs must include their “contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies.” Fed. R. App. P. 28(a)(8)(A). “An appeal is not just the procedural next step in every lawsuit, and the decision to challenge an order of the District Court is not a matter to be taken lightly.” *Conboy v. United States Small Bus. Admin.*, 992 F.3d 153, 155 (3d Cir. 2021) (citation

modified). For that reason, we have made clear that it is “not proper appellate advocacy” for appellants’ counsel to simply copy-and-paste significant portions of a district court brief into an appellate brief. *Id.* at 157.

Mavrakis’s brief, which comprises only five substantive pages, is nearly identical to the brief she filed in opposition to the summary judgment motion in the District Court. Of the six paragraphs in the appellate brief’s argument section, four appeared nearly verbatim in her District Court brief. And even though she asks us to disturb the District Court’s ruling on her state-law negligence claims, the brief does not cite a single authority on the governing Pennsylvania law. In fact, the only case cited in the argument section relates to the District Court’s application of the summary-judgment standard, not Pennsylvania negligence law. Appellants “are responsible for advancing the facts and arguments entitling them to relief,” not us. *Greenlaw v. United States*, 554 U.S. 237, 244 (2008) (citation omitted). We are troubled by Mavrakis’s counsel’s copy-and-paste job and are doubtful that Mavrakis’s brief sufficiently challenges the District Court’s order. We will therefore order counsel to show cause why we should not award damages under Rule 38 of the Federal Rules of Appellate Procedure or otherwise sanction them. *See Conboy*, 992 F.3d at 158; *see also McCarthy v. United States Drug Enf’t Admin.*, 171 F.4th 245, 250–51 (3d Cir. 2026) (sanctioning counsel for wasting the time and resources of the court by submitting a deficient brief).

We will affirm the District Court’s order and enter a show-cause order.