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FAYETTE LEGAL JOURNAL

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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

FLOYD C. HUGGINS, late of Dunbar Township, Fayette County, PA ⁽³⁾

Executrix: Patricia J. Pilato
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

JANICE C. HURST, late of Bulls skin Township, Fayette County, PA ⁽³⁾

Personal Representative: Dennis D. Ulery
c/o Tremba, Kinney, Greiner & Kerr, LLC
1310 Morrell Avenue, Suite C
Connellsville, PA 15425
Attorney: Mark D. Brooks

CONNIE R. MACIOCE, a/k/a CONNIE REED MACIOCE, late of Connellsville, Fayette County, PA ⁽³⁾

Executor: Anthony Reed
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

TYLER NICHOLSON, late of Connellsville, Fayette County, PA ⁽³⁾

Administratrix: Brandie M. Smartnick
1415 South Pittsburgh Street
Connellsville, PA 15425
c/o 310 Grant Street, Suite 2630
Grant Building
Pittsburgh, PA 15219
Attorney: Andrew Leger

JOHN STEHL, a/k/a JOHN J. STEHL, late of Menallen Township, Fayette County, PA ⁽³⁾

Executor: Bernard E. Charnovich
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

Second Publication

EDDIE BURNWORTH, a/k/a EDDIE A. BURNWORTH, late of Georges Township, Fayette County, PA ⁽²⁾

Executor: Eddie A. Burnworth, Jr.
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

CHARLOTTE L. FRANCY, late of Dunbar Township, Fayette County, PA ⁽²⁾

Personal Representative: Michael Murphy
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

SHEILA GILLIGAN HERRING, a/k/a SHEILA G. HERRING, late of Farmington, Fayette County, PA ⁽²⁾

Executor: Stephen A. Herring a/k/a Steven A. Herring
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

LAURA M. MORGAN, late of Uniontown, Fayette County, PA ⁽²⁾

Executrix: Diane Morgan Hilton a/k/a Diane Laura Morgan-Hurst
c/o Monaghan & Monaghan, L.L.P.
57 East Main Street
Uniontown, PA 15401
Attorney: Gary D. Monaghan

MARY STEINMAN, a/k/a MARY A. STEINMAN, late of Masontown, Fayette County, PA ⁽²⁾

Co-Executrix: Kristen Dunham and Kim Kostura
c/o Proden & O'Brien

99 East Main Street
 Uniontown, PA 15401
Attorney: Sean M. Lementowski

TAMMIE LYNN STONER, late of
 Connellsville, Fayette County, PA (2)
Executor: Walter Weltz, Jr.
 1118 Liberty Street
 Scottdale, PA 15683
 c/o 231 South Main Street
 Greensburg, PA 15601
Attorney: Marilyn M. Gaut

First Publication

**DONALD LEE COUGHENOUR, a/k/a
 DONALD L. COUGHENOUR**, late of South
 Union Township, Fayette County, PA (1)
Executrix: Karen Dawn Colbert
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

NAOMI B. GREGO, late of North Union
 Township, Fayette County, PA (1)
Executrix: Cindy R. Hornbeck
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Robert L. Webster, Jr.

**GILDA M. HOLBERT, a/k/a GILDA
 MILDRED HOLBERT**, late of Uniontown,
 Fayette County, PA (1)
Administrator: Keith A. Holbert, CTA and
 Kebin E. Holbert, CTA
 c/o Radcliffe Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

JOHN HOSPODAVIS, JR., late of Masontown
 Borough, Fayette County, PA (1)
Executor: John R. Hospodavis
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James Higinbotham

**TAMMY JENKINS, a/k/a TAMMY LYNN
 JENKINS**, late of Georges Township, Fayette
 County, PA (1)
Executor: John Thomas Jenkins
 c/o Kopas Law Office
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John Kopas

JOANNE M. KOZEL, late of Uniontown,
 Fayette County, PA (1)
Executrix: Rosemarie Jarzynka
 c/o Radcliffe Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

LINDA L. LINDSAY, late of Connellsville,
 Fayette County, PA (1)
Personal Representative: Kelly R. Vorrasi
 and Heather L. O'Neill
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Robert A. Gordon

GARY E. LOWE, JR., late of George
 Township, Fayette County, PA (1)
Administratrix: Barbara Lowe
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin Goodwin

**DALE ALISTER LOWERY, a/k/a DALE A.
 LOWERY**, late of Nicholson Township, Fayette
 County, PA (1)
Executor: Donald D. Lowery
 c/o Adams Law Offices, PC
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

RICHARD ROMESBURG, late of North
 Union Township, Fayette County, PA (1)
Administratrix: Megan Clark
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin Goodwin

LEGAL NOTICES

NOTICE OF VOLUNTARY DISSOLUTION OF DUNKARD DISPOSAL CORPORATION

NOTICE IS HEREBY GIVEN THAT the shareholders and directors of DUNKARD DISPOSAL CORPORATION, a Pennsylvania corporation, with an address at P.O. Box 1327, 700 Gallatin Bank Building, Uniontown, Fayette County, Pennsylvania, 15401, have approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Watson Mundorff, LLP

NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Pennsylvania Department of State on July 17, 2023 for a business corporation organized under the Business Corporation Law, as amended from time to time. The name of the corporation is Sheila's Home Uniontown, Inc. having an address of 690 W. Main St., PO Box 488, Uniontown, PA 15401.

Ernest P. DeHaas, III, Esquire
DEHAAS LAW, LLC
51 East South Street
Uniontown, PA 15401
(724) 438-3510

NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Pennsylvania Department of State on July 17, 2023 for a business corporation organized under the Business Corporation Law, as amended from time to time. The name of the corporation is Sheila's Home Morgantown, Inc. having an address of 690 W. Main St., PO Box 488, Uniontown, PA 15401.

Ernest P. DeHaas, III, Esquire
DEHAAS LAW, LLC
51 East South Street
Uniontown, PA 15401
(724) 438-3510

NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on July 28, 2023, for a limited liability company known as HWM Properties LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: real estate and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS
BY: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS
Fayette COUNTY
CIVIL ACTION - LAW
ACTION OF MORTGAGE FORECLOSURE
Term No. 2022-02012
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

PNC BANK, NATIONAL ASSOCIATION
Plaintiff
vs.
The Unknown Heirs of LINDA L. SHULTZ
Deceased
Mortgagor and Real Owner
Defendant

TO The Unknown Heirs of LINDA L. SHULTZ Deceased, MORTGAGOR AND REAL OWNER, DEFENDANT whose last known address is 34 Walnut Avenue Dunbar, PA 15431.

THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.

You are hereby notified that Plaintiff PNC BANK, NATIONAL ASSOCIATION, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2022-02012

wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 34 Walnut Avenue Dunbar, PA 15431 whereupon your property will be sold by the Sheriff of Fayette.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint of for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PENNSYLVANIA LAWYER REFERRAL SERVICE

Pennsylvania Bar Association
100 South Street, PO Box 186
Harrisburg, PA 17108
800-692-7375

Michael T. McKeever
Attorney for Plaintiff
KML Law Group, P.C., PC
Suite 5000, BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

NOTICE

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
No. 807 of 2023, G.D.

Menallen Township, Petitioner vs. David Holland and Stephanie Seese, et al., Respondents

To: David Holland and Stephanie Seese - A petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 68 P.S. 1101-1111 (2008), for appointment of a Conservator to take possession of and rehabilitate or demolish the property located at:

743 Old Rt. 51 Rd. (Smock) Menallen Township, Fayette County, PA
Tax Map No. 22-02-0037

A hearing on the Petition for the Appointment of a Conservator will be held on August 21, 2023 at 9:30 AM in Courtroom No. 1 of the Fayette County Courthouse, Uniontown, PA to determine whether the conditions for conservatorship have been met, whether a conservator should be appointed, who should be appointed as conservator, and/or whether other appropriate relief should be granted.

YOU ARE RECEIVING THIS NOTICE BECAUSE you are the record owner claiming a right to title to the premises. If you want to be heard in this matter, you must appear at the aforesaid hearing or file an answer to the Petition referenced above. If you fail to appear or file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property and sell the property. You will still be responsible for your obligations as the owner, including expenses incurred by the conservator.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PENNSYLVANIA LAWYER REFERRAL SERVICE PENNSYLVANIA BAR ASSOCIATION

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Harrisburg, PA 17108
Phone: 1-800-692-7375

HILL WALLACK LLP

Michael J. Shavel, Esquire

(Attorney ID.: 60554)

Jill M. Fein, Esquire (Attorney ID.: 318491)

Kaitlin D. Shire, Esquire (Attorney ID.: 324226)

1000 Floral Vale Blvd, Ste 300

Yardley, PA 19067

Tel. 215-579-7700

Fax 215-579-9248

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 1990 OF 2022 GD

PLANET HOME LENDING, LLC

Plaintiff,

vs.

MARK MORRISON and

KATHY MORRISON

Defendants.

**NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY**

TO: **Mark Morrison and Kathy Morrison**
933 Fayette City Road
Fayette City, PA 15438

DATE: August 3, 2023

Your house (real estate) at: 933 Fayette City Road, Fayette City, PA 15438 is scheduled to be sold at Sheriff's Sale on November 16, 2023 at 2:00 P.M., located online at <https://fayette.pa.realforeclose.com> to enforce the judgment of \$70,894.73 plus interest from April 2, 2023 to the date Sale at a per diem of \$8.06 obtained by Planet Home Lending, LLC against you.

NOTICE OF OWNER'S RIGHTS
YOU MAY BE ABLE TO PREVENT THIS
SHERIFF'S SALE

To prevent this Sheriff's Sale, you must take immediate action:

1. This sale will be cancelled if you pay back to the Plaintiff the amount of the judgment plus interests, costs, and reasonable attorney fees due or the back payments, late charges, costs, interest and reasonable attorney fees due. To find out how much you must pay, you may call Hill Wallack LLP at 215-579-7700.

2. You may be able to stop the sale by filing a

petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may be able to stop the sale through other legal proceedings.

You may need an attorney to asset your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE.

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling Hill Wallack LLP at 215-579-7700.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call Hill Wallack LLP at (215) 579-7700.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff, and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.


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MEMORIAL SERVICE

The Fayette County Bar Association will hold a memorial service before the Court for Wayne H. Port, Esquire and George L. Hallal, Esquire at the Fayette County Courthouse in Courtroom No. 1 on Wednesday, August 23, 2023, at noon.

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION

CAMERON KEEFER, :
Plaintiff, :
 :
vs. :
 :
JACKIE LYNN BASINGER, : No. 68 of2023 G.D.
Defendant. : Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

May 17, 2023

Before this Court are Defendant's Preliminary Objections to Plaintiffs Amended Complaint. Defendant raises three objections. First, that Plaintiffs claims for punitive damages are legally insufficient under Pa.R.Civ.P. 1028(a)(4); next, that the allegations of recklessness are impertinent under Pa.R.Civ.P. 1028(a)(2); and finally, that the allegations are insufficiently specific under Pa.R.Civ.P. 1028(a)(3). After consideration of the pleadings, Defendant's brief, and Plaintiffs response, Defendant's objections are sustained in part and dismissed in part.

The standard in determining preliminary objections is whether the facts pleaded establish that it is clear and free from doubt that the plaintiff will be unable to prove the facts legally sufficient to establish a right to relief. *Bower v. Bower*, 611 A.2d 181, 182 (Pa. 1992). A trial court must accept as true all facts that are well-pleaded, material, and relevant, together with any reasonable inferences that may be drawn from those facts. *Mellon Bank, NA. v. Fabinyi*, 650 A.2d 895,899 (Pa. Super. Ct. 1994).

Plaintiff alleges that Defendant was operating her motor vehicle when she hit the Plaintiff, who was walking on the street; that she failed to stop her vehicle in time; and that her carelessness caused severe physical injuries to the Plaintiff. Amended Complaint at ¶ 4-7. Plaintiff also alleges that Defendant's "failure to properly, cautiously, and prudently operate her vehicle constituted a substantial and/or reckless disregard for the safety of the Plaintiff and the surrounding public." *Id.* at ¶ 13. The requested relief includes punitive damages. *Id.* at ¶ 27.

Defendant's first objection is that the Amended Complaint is insufficient under the law for a successful claim of punitive damages. "Punitive damages may be awarded for conduct that is outrageous, because of the defendant's evil motive or his reckless indifference to the rights of others." *Hutchison ex rel. Hutchison v. Luddy*, 870 A.2d 766, 770 (Pa. 2005) (quoting *Feld v. Merriam*, 485 A.2d 742,747 (Pa. 1984)).

As the name suggests, punitive damages are penal in nature and are proper only in cases where the defendant's actions are so outrageous as to demonstrate willful, wanton or reckless conduct. The purpose of punitive damages is to punish a tortfeasor for outrageous conduct and to deter him or others like him from similar conduct.

Id. (internal citations omitted).

Pennsylvania remains a fact-pleading state, and therefore, a plaintiff must allege facts essential to the cause of action. *Briggs v. Sw. Energy Prod. Co.*, 224 A.3d 334, 351 (Pa. 2020). Plaintiff asserts that there is no appellate guidance on what factual allegations are required in a pleading to support a claim of recklessness and presents common pleas decisions that have allowed for a pleading of recklessness in general, as a state of mind. While some courts of common pleas in Pennsylvania do permit recklessness to be pleaded only generally, the Fayette County court previously has looked to the facts of the pleading to determine disposition of a preliminary objection to an allegation of recklessness.

The Fayette County court considered a preliminary objection in *Guziak v. Blystone*, which involved the allegedly negligent operation of a motor vehicle, and in which the complaint included allegations of recklessness along with a demand for punitive damages. No. 1883 of 2020 G.D. (C.P. Fayette, filed July 20, 2021). In overruling the preliminary objection, the court examined the facts as presented in the pleading, including: the defendant had deliberately turned into oncoming traffic; oncoming traffic had the right of way; and the defendant did this at an intersection with no traffic control device or turning lane. The court reasoned that the defendant's actions as alleged in the complaint could be considered as being done with disregard of a known risk and, therefore, were reckless.

In contrast, here, Plaintiff alleges only facts such as the Defendant illegally drove at an unsafe speed, failed to exercise proper control of her vehicle, and failed to adequately apply the brakes in time to avoid collision with the Plaintiff. Amended Complaint at ¶ 16(a)-(c). These actions alone cannot be considered outrageous or willful and wanton conduct. Plaintiff does contend that it is too early in the discovery process to know such specifics. However, it remains that punitive damages are intended to punish and deter outrageous conduct, which Plaintiff has not factually alleged. As Plaintiff has not presented any such facts, Defendant's first objection is sustained. Similarly, Defendant's third objection - that the Amended Complaint is insufficiently specific with respect to the allegations of recklessness - also is sustained.

As the Amended Complaint is determined to be legally and factually insufficient, Defendant's second objection regarding impertinent allegations is dismissed as moot. Therefore, the Court enters the following:

ORDER

AND NOW, this 17th of May, 2023, after consideration of Defendant's Preliminary Objections and the pleadings and briefs of the respective parties, is hereby ORDERED and DIRECTED that Defendant's objections under Pa.R.Civ.P. 1028(a)(3) and (4) are SUSTAINED. Defendant's objection under Pa.R.Civ.P. 1028(a)(2) is DISMISSED as moot.

In accordance with Pa.R.Civ.P. 1028(e), Plaintiff has the right to plead over within (30) days after notice of this Order.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Prothonotary

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