

TROY A. MUSSER,	:	IN THE COURT OF COMMON PLEAS OF
	:	LYCOMING COUNTY, PENNSYLVANIA
Plaintiff	:	NON-JURY TRIAL
	:	
vs.	:	NO. 00-01,585
	:	
TIMOTHY A. HILL and	:	CIVIL ACTION
SANDRA L. HILL,	:	
	:	RECOVERY FOR TORTUOUS
Defendants	:	INTERFERENCE

*Date: July 26, 2002*

**ADJUDICATION and VERDICT**

This Order is entered to finalize this Court's adjudication disposition of the above-captioned non-jury decision. A preliminary determination and order was entered July 15, 2002. After considering the briefs of the parties submitted in accordance with that Order this Court finds that there was an existing contractual relationship between Plaintiff and Gutelius Excavating. This was a contract for the benefit of Plaintiff and for the benefit of Gutelius and established a relationship of significant substance giving each Plaintiff and Gutelius a realistic expectation of performance. There was appropriate consideration between Gutelius and Plaintiff consisting of Gutelius being given a location it desired to dispose of the soil and fill involved and Plaintiff in return being given the fill. Except for Defendant Timothy Hill's intentional and wrongful interference in the deliveries to Plaintiff the contract would have been fulfilled. The damages to Plaintiff are the difference in the value of his property with the fill and without it. As previously determined that value is \$20,000. The Court finds further that the actions of Defendant Hill are such as intentionally interfered with the delivery of the soil and fill to Plaintiff's property, that Defendant

Hill knew he did not have the right to prohibit the delivery trucks from traveling along the right-of-way and that he had significant reason to know from all the circumstances in the case that there would have been a contractual relationship between Plaintiff and the party delivering the fill. Therefore, he is liable for his wrongful actions as the resulting interference with the contract was reasonably foreseeable. Accordingly, Defendant Timothy A. Hill is liable to Plaintiff for the full damages of \$20,000.

As previously indicated Plaintiff is liable for damage done to the easement which, as previously announced by this Court, is in the amount of \$2,800. Accordingly, the following verdict will be entered.

**ORDER and VERDICT**

This Court finds in favor of Plaintiff and against Defendant Timothy A. Hill in the amount of \$20,000. This Court finds in favor of Defendants Timothy A. Hill and Sandra L. Hill on their counterclaim against Plaintiff Troy A. Musser in the amount of \$2,800. Each party shall pay their own costs.

BY THE COURT:

William S. Kieser, Judge

cc: Marc S. Drier, Esquire  
John A. Gummo, Esquire  
Judges  
Law Clerk  
Gary L. Weber, Esquire (Lycoming Reporter)