

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

BUTTERS'S ENTERPRISES, INC., : No. 00-01482
and TIM BUTTERS, :
Plaintiffs :
vs. : CIVIL ACTION - LAW
JOSEPH A. PRATO and :
ANN C. PRATO, his wife, :
KELLY PRATO t/d/b/a :
JOEY PRATO'S PRODUCE, : Preliminary Objections to
and JOEY PRATO, INC., : Plaintiffs' Response to
Defendants : Cillo's New Matter

ORDER

AND NOW, this 31st day of December 2002, upon consideration of Defendant Cillo's Preliminary Objections to Plaintiffs' Response to Defendant Cillo's New Matter and Counterclaim, it is ORDERED and DIRECTED as follows:

1. The Court GRANTS the preliminary objections. With respect to paragraphs 41, 42, 43, 45, 47, 48, 49, 51, 52, 55 and 57, the Plaintiffs have not admitted or denied the allegations. Instead, the Plaintiffs have responded that certain documents or transcripts speak for themselves. Such a response, however, is not authorized by the Rules of Civil Procedure. Pa.R.Civ.P. 1029. Plaintiffs shall file an amended response within twenty days (20) of this Order admitting or denying each averment. In the case of a denial, the Plaintiffs must explain why the averment is denied or provide additional facts, since general denials will be deemed admissions pursuant to Rule 1029(b). With respect to

paragraphs 58 and 59, the Plaintiffs' responses are general denials which are not permitted in this type of action. The Plaintiffs shall file an amended pleading within twenty (20) days explaining why these averments are denied or providing additional facts to support a denial or these paragraphs will be deemed admitted.

By The Court,

Kenneth D. Brown, J.

cc: Timothy Butters
R 613 E Third St
Williamsport PA 17701
Marc Lovecchio, Esquire
Fred Holland, Esquire
Work File
Gary Weber, Esquire (Lycoming Reporter)