

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

RUSSELL and DORIS HALL,	:	No. 02-01249
	:	
Plaintiffs	:	
	:	
vs.	:	CIVIL ACTION - LAW
	:	
ATLAS CHEMICAL CORP. and	:	
WINNER'S HARDWARE STORE,	:	
Defendants	:	

ORDER

AND NOW, this day of December 2002, the Court GRANTS Atlas Chemical's preliminary objections to the plaintiffs' complaint. Pennsylvania is a fact-pleading jurisdiction, not a notice-pleading jurisdiction as is federal court. Although it is clear plaintiffs wish to pursue negligence and strict liability theories against the defendants, most of plaintiffs allegations are legal conclusions as opposed to factual assertions. For example, the plaintiffs assert the pesticide device in question had design defects and/or manufacturing defects, but they do not specify what those alleged defects are.

The Court gives the plaintiffs thirty (30) days to file a more specific complaint.

By The Court,

Kenneth D. Brown, J.

cc: James Malloy, Esquire
David Lingenfelter, Esquire
Thomas J. Kelley, Esquire