

BRUCE VINCENT,	:	IN THE COURT OF COMMON PLEAS OF
	:	LYCOMING COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
vs.	:	NO. 03-00,693
	:	
LIBERTY BUSINESS INFORMATION,	:	
INC. AND TUCKER SMITH	:	
	:	
Defendants	:	PRELIMINARY OBJECTIONS

Date: September 2, 2003

MEMORANDUM OPINION and ORDER

Before the Court for determination are the Preliminary Objections of Defendant Liberty Business Information, Inc. (Liberty), filed June 25, 2003, and Defendant Tucker Smith (Smith), filed July 8, 2003. In his Amended Complaint filed June 16, 2003, Plaintiff Bruce Vincent (Vincent) alleged a breach of contract claim premised on third-party beneficiary liability, tortious interference with a contractual relationship, and a civil conspiracy claim against Liberty. In the Amended Complaint, Vincent also alleged a breach of contract claim and a civil conspiracy claim against Tucker. In their Preliminary Objections, Liberty and Tucker assert that Vincent has failed to plead the necessary material facts to support his claims and that the pleaded facts are legally insufficient to establish the claims alleged by Vincent.

The Court concurs with Defendants and will grant their preliminary objections. Pennsylvania is a fact pleading state. *Miketic v. Baron*, 675 A.2d 324, 330 (Pa. Super. 1986). A complaint must set forth the material facts upon which the cause of action is based in a concise and summary form. Pa.R.C.P. 1019(a). The complaint must appraise the defendant of the claim being asserted and summarize the material facts needed to support that claim. *Cardenas v. Schober*, 783 A.2d 317, 325 (Pa. Super. 2001). The complaint must also set forth

enough material facts to allow the defendant to prepare a defense to the allegations contained within the complaint. *Weiss v. Equibank*, 460 A.2d 271, 274 (Pa. Super. 1983).

A preliminary objection in the nature of a demurrer should only be granted when it is clear from the facts that the party has failed to state a claim upon which relief can be granted. *Sunbeam Corp. v. Liberty Mut. Ins. Co.*, 781 A.2d 1185, 1191 (Pa. 2001). The court must admit as true all well pleaded material, relevant facts and any inferences fairly deducible from those facts. *Willet v. Pennsylvania Med. Catastrophe Loss Fund*, 702 A.2d 850, 853 (Pa. 1997). If the pleaded facts set forth a claim for relief which may be granted under any theory of law, then the demurrer should be denied. *Ibid.*

As pleaded, Vincent's amended complaint does not set forth the causes of actions alleged. The Amended Complaint lacks the requisite material facts. Vincent has pleaded facts that give a form to his claims. However, Vincent has not pleaded the material facts that will form the skeleton needed to support his causes of action. The Court is not ruling as a matter of law that Vincent cannot assert the claims he has. The Court cannot make that determination because there are insufficient material facts. The Court shall give Vincent the opportunity to file a second amended complaint that sets forth the material facts upon which his claims are based.

ORDER

It is hereby ORDERED that the Preliminary Objections of Defendant Liberty Business Information, Inc. filed June 25, 2003 and Defendant Tucker Smith filed July 8, 2003, in his Amended Complaint filed June 16, 2003, are granted.

Plaintiff shall have twenty (20) days to file an amended complaint consistent with this Opinion.

BY THE COURT:

William S. Kieser, Judge

cc: Matthew J. Zeigler, Esquire
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51 North Third Street; P. O. Box 264; Lewisburg, PA 17837
Judges
Christian J. Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)