

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

**STEVEN M. CONFAIR and RITA J. CONFAIR, Husband and Wife, as Beneficiaries of the Steven M. Confair GST Trust; BENJAMIN S. CONFAIR, As Remainder Beneficiary; JASON T. CONFAIR, as Remainder Beneficiary, and MICHAEL M. CONFAIR, as Remainder Beneficiary,**  
**Plaintiffs** : **No. 07-01656**  
:  
**vs.** : **CIVIL ACTION – LAW**  
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**REBECCA C. KINGSTON, as Trustee of the Steven M. Confair GST Trust,**  
**Defendant** : **Defendant’s Preliminary Objections to Plaintiffs’ complaint**

**ORDER**

AND NOW, this \_\_\_ day of December 2007, upon consideration of Defendant’s preliminary objections to Plaintiffs’ complaint, it is ORDERED and DIRECTED as follows:

1. The Court GRANTS preliminary objection 7 and STRIKES the second “Wherefore” clause. In this case, Plaintiffs have not sued any majority shareholders and it appears that this clause may have come from one of Plaintiffs’ other lawsuits.
2. The remaining preliminary objections are DENIED. Preliminary objections 2 and 3 seek dismissal of Plaintiffs’ claims for attorney fees and punitive damages. These objections are dismissed without prejudice to Defendant raising these issues at a later stage of the proceedings. With respect to objections 1, 4, 5 and 6, the Court finds Plaintiffs have pleaded sufficient facts. The additional facts that Defendant wants Plaintiffs to plead appear to be facts related to defenses or explanations for Defendant’s actions. The

Court also notes that Plaintiffs are not seeking any relief against Confair Company, and the Court does not believe Confair Company is a necessary and indispensable party to this action. This ruling is without prejudice to Defendant attempting joining Confair Company as an Additional Defendant or otherwise.

By The Court,

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Kenneth D. Brown,  
President Judge

cc: J. Michael Wiley, Esquire  
Marc Drier, Esquire  
Work file  
Gary Weber, Esquire (Lycoming Reporter)