IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA STEINBACHER ENTERPRISES, INC., : Plaintiff : No. 07-01735 : vs. : CIVIL ACTION – LAW : ROSS MAHOSKY, MARY MAHOSKY, : Defendants' Preliminary Objections to MOUNTAINSIDE LOG HOMES, INC., : Plaintiff's Complaint and Plaintiff's Defendants : Preliminary Objections

<u>ORDER</u>

AND NOW, this ____ day of November 2007, upon consideration of

Defendants' preliminary objections to Plaintiff's complaint and Plaintiff's preliminary objections to Defendants' preliminary objections, the Court GRANTS Plaintiff's preliminary objections and DENIES Defendants' preliminary objections. The Court agrees with Plaintiff that Defendants' preliminary objections are untimely and their assertions that the contract is written and not oral is something to be raised in their answer and new matter. Plaintiff has alleged that the contract at issue was oral and, at this stage of the proceedings, the Court must accept that well-pleaded fact as true.

By The Court,

Kenneth D. Brown, President Judge

cc: William P. Carlucci, Esquire Joseph F. Orso, III, Esquire Gary Weber, Esquire (Lycoming Reporter)