

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DAVID R. WEBB COMPANY, INC.,
a division of DANZER GROUP,
Plaintiff

vs.

CENTRAL PENNSYLVANIA,
LANDSCAPE PRODUCTS INC.
Defendant

:
:
: **No. 06-02595**
:
: **CIVIL ACTION – LAW**
:
:
: **Plaintiff’s Preliminary Objections to**
: **Defendant’s Answer, New Matter and**
: **Counterclaim**

ORDER

AND NOW, this ____ day of March 2007, upon consideration of Plaintiff’s preliminary objections to Defendant’s answer, new matter and counterclaim, it is ORDERED and DIRECTED as follows:

The Court DENIES the preliminary objection to paragraph 25. The Court also DENIES the preliminary objection requesting the names of each customer lost or a break down of the figure for lost business. This information can be obtained in discovery.

In all other respects, the Court GRANTS the preliminary objections. Defendant shall amend the answer, new matter and counterclaims such that the three damage claims (damage to the trailer, overpayment of approximately \$35,000 and the lost customers) are pleaded in separate counts, with Defendant providing the relevant dates and factual details to the best of its ability. Similarly, the pleading shall be amended to specify the correct statutory provision in what is currently paragraph 21 and to specify the nature of the

dispute regarding the amount of Plaintiff's claim.¹

Defendant shall file its amended pleading within twenty (20) days of the date of this Order.

By The Court,

Kenneth D. Brown, P.J.

cc: Marc Drier, Esquire (counsel for Defendant)
Neil Sarker, Esquire (counsel for Plaintiff)
BURTON NEIL & ASSOCIATES P.C.
1060 Andrew Dr., Suite 170
West Chester, PA 19380
Gary Weber, Esquier (Lycoming Reporter)

¹ It is unclear whether Defendant disputes the amount due because it is offset by his counterclaims, whether Defendant believes there is some error in Plaintiff's calculation of the amount owed or some combination of the two.