

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

TRACY MUCKELMANN, : NO. 07-02,369  
Appellant :  
vs. : CIVIL ACTION - LAW  
:   
TOBY PEPPER, individually and t/d/b/a :  
MYERS-PEPPER INSURANCE AGENCY , :  
Appellee :

OPINION IN SUPPORT OF ORDER OF DECEMBER 21, 2007,  
IN COMPLIANCE WITH RULE 1925(A) OF  
THE RULES OF APPELLATE PROCEDURE

Appellant appeals from this Court’s Order of December 21, 2007, which sustained Appellee’s preliminary objections and dismissed Appellant’s Complaint, on the basis that Plaintiff had failed to state a claim for which relief could be granted.

In his Complaint, Appellant has alleged that he (1) had purchased a farm owner’s insurance policy through Appellee’s insurance agency, (2) had suffered a covered loss but did not make a claim at that time because he did not know the loss was covered, (3) made a claim once he discovered the loss was covered, but (4) the claim was denied.<sup>1</sup> He asserts a claim of negligence against Appellee for failing to advise him of the extent of his coverage at the time of his purchase, and for submitting his insurance claim in a “careless” manner. There appears to be no duty to separately advise a policyholder of the extent of his coverage, however, as a reading of the policy would provide that information. Further, Appellant alleges that Appellee investigated the claim once it was made and submitted it for consideration; no facts to support his assertion that the claim was submitted in a careless manner are alleged, and it did not appear at argument on the preliminary objections that any such facts could be alleged. For those reasons, the Court sustained the preliminary objections and dismissed the Complaint.

Dated: January 23, 2008

Respectfully Submitted,

Dudley N. Anderson, Judge

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1 The loss occurred in the winter of 2002-2003; the claim was made in the fall of 2005.