

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

WILLIAM J. CARMODY, Plaintiff	:	NO. 15 – 01,878
	:	
vs.	:	CIVIL ACTION - LAW
	:	
ANDREW D. NORRIS, Defendant	:	Preliminary Objections

OPINION AND ORDER

Before the court are the preliminary objections filed by Defendant on September 16, 2015. Argument was heard November 3, 2015.

Plaintiff filed an action in magisterial district court to recover \$740 allegedly paid to Defendant to perform some painting work at Plaintiff’s art studio, which Plaintiff alleges was not done. An award of \$740 plus costs was entered in favor of Plaintiff and against Defendant. Defendant appealed. In response to the rule to file a complaint, Plaintiff filed a Complaint on September 2, 2015. The preliminary objections to that complaint contend that Plaintiff has included so much information that the material facts are obfuscated, and that the excess material is also impertinent and much of it is scandalous.

The court agrees that the complaint contains volumes of impertinent material, and that some of that material is scandalous and must be stricken. Therefore, the following language must be stricken from the Complaint:

1. From Paragraph 8, the first two sentences.
2. From Paragraph 11, fourth and fifth sentences.
3. From Paragraph 12, the last sentence.
4. All of Paragraphs 13, 14 and 15.
5. From Paragraph 16, all but the first sentence.
6. All of Paragraphs 17, 18, 19, 20, and 21.
7. From Paragraph 22, the second sentence except for the words “the work was shoddy”.
8. All of Paragraphs 23 through 39.

ORDER

AND NOW, this 4th day of November 2015, for the foregoing reasons, the Complaint in this matter is hereby amended as provided herein. Defendant shall file an Answer to the Amended Complaint within twenty (20) days of this date.

BY THE COURT,

Dudley N. Anderson, Judge

cc: William Carmody, 1712 Williams Road, Williamsport, PA 17701
Matthew Welickovitch, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson