

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

SOPHIA DASKALAKIS,  
Plaintiff

vs.

STEVEN C. LONG, GREG GUERRIERO a/k/a GREGG  
GREENYA, t/a J.C. GREENYA, JEWELER and ADOLPH  
CILLO t/a CILLO’S ANTIQUES AND COINS,  
Defendants

: NO. 13 – 01,741  
:  
:  
: CIVIL ACTION  
:  
:  
: Motion in Limine

**OPINION AND ORDER**

Before the court is Defendant Cillo’s motion in limine, raised in his response to Plaintiff’s Motion for Summary Judgment. Following briefing, argument on the motion was heard April 8, 2016.

In her Amended Complaint, Plaintiff alleges that Defendant Steven Long stole numerous items of jewelry from her home, and that he sold some of the items to Defendant Greenya and other of the items to Defendant Cillo. With respect to Defendants Greenya and Cillo, Plaintiff brings an action of conversion and seeks a judgment “ for the value of the goods stolen”.<sup>1</sup> It is the determination of this value which prompted the instant motion.<sup>2</sup>

To prove the value of the items of jewelry stolen from her and purchased and re-sold by Defendants Greenya and Cillo, Plaintiff wishes to testify as to what she paid for the items and/or as to their replacement cost, and also introduce evidence of sentimental value. Defendant Cillo seeks to preclude any evidence

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<sup>1</sup> Plaintiff also sued Steven Long for conversion and obtained summary judgment against him on February 11, 2016.

<sup>2</sup> A second issue, apportionment of liability, was withdrawn at argument.

other than that of “fair market value”. The court agrees with Defendant Cillo that such is the proper measure of damages in this case.

“Our law is clear that the measure of damages for conversion is the market value of the converted property at the time and place of conversion.” L.B. Foster Company v. Charles Caracciolo Steel & Metal Yard, Inc., 777 A.2d 1090, 1096 (Pa. Super. 2001). *See also* Northcraft v. Edward C. Michener Associates, Inc., 466 A.2d 620, 628 (Pa. Super. 1983) (“The measure of damages in an action for conversion is the market value of the converted property at the time and place of conversion.”). The cases upon which Plaintiff relies in her quest to introduce evidence of purchase price and replacement cost are clearly distinguishable.

In Lynch v. Bridges & Company, Inc., 678 A.2d 414, 416 (Pa. Super. 1996), the Court affirmed a damage award for conversion of workmen’s construction tools which substantially exceeded their value, noting that “the tools were not new and probably had little market value.” The Court allowed evidence of “the actual value of the thing destroyed to him who owns it, taking into account its cost, the practicality and expense of replacing it, and such other consideration as in the particular case affect its value to the owner.” Id. at 415, *quoting* Lloyd v. Haugh & Keenan Storage & Transfer Company, 72 A. 516, 518 (Pa. 1909). These factors were considered under the “long-established *exception to the general rule* as to market value of personal belongings”, however, which exception has been established because the market value of personal belongings has been held to be “unascertainable.” Id. (emphasis added). The Court specifically noted that “it is permissible to measure damages by replacement costs” in “circumstances where there exists no ‘market’ for the goods lost”. Id. at 416.

Similarly, in Pikunse v. Kopchinski, 631 A.2d 1049 (Pa. Super. 1993), the Court upheld an award of damages for the conversion of household goods and personal effects even though no evidence of the fair market value of the items was presented. The Court noted that “ideally, the ‘measure of damages for conversion is the market value of the converted property at the time and place of conversion,’” but “such a value is, in fact, often unascertainable.” Id. at 1051. There, since the household goods had been thrown out by the tortfeasor, “the fair market value of those goods could not be determined.” Id. Thus, the holding in Pikunse was also based on the exception to the general rule.

In the instant case, the general rule may be applied. The court has seen many appraisals of used jewelry in the family court arena, and finds that used jewelry is readily valued. There is no need to apply the exception which has been applied to used tools and old clothing, furniture and photographs. Plaintiff may thus not testify as to purchase price or replacement cost; only evidence of fair market value may be introduced.

**ORDER**

AND NOW, this 18<sup>th</sup> day of April 2016, for the foregoing reasons, Defendant Cillo’s motion in limine is GRANTED and evidence of the value of the stolen jewelry shall be limited to that of its fair market value at the time of the conversion.

BY THE COURT,

cc: Jonathan Butterfield, Esq.  
Robert Seiferth, Esq  
David Raker, Esq.  
Gary Weber, Esq.  
Hon. Dudley Anderson

Dudley N. Anderson, Judge