

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA

HEATHER CHARLES, in her own right	:	
and as Administratrix of the Estate of	:	
SPENCER CHRISTIAN CHARLES	:	
a/k/a SPENCER C. CHARLES,	:	
Deceased,	:	No. CV 25-00,974
Plaintiffs,	:	
vs.	:	CIVIL ACTION
BENJAMIN D. MARTIN and STATE	:	
FARM MUTUAL AUTOMOBILE	:	
INSURANCE COMPANY,	:	
Defendants.	:	

**OPINION AND ORDER**

AND NOW, this 12<sup>th</sup> day of December, 2025, upon consideration of Defendant Benjamin Martin's preliminary objections (the "Preliminary Objections")<sup>1</sup> to Plaintiffs' complaint (the "Complaint"),<sup>2</sup> Plaintiff's response to the Preliminary Objections (the "Response"),<sup>3</sup> and the briefs<sup>4</sup> and arguments<sup>5</sup> of the parties, it is hereby ORDERED and DIRECTED that the Preliminary Objections are OVERRULED, for reasons explained below.

<sup>1</sup> "Defendant Benjamin Martin's Preliminary Objections to Plaintiff's Complaint," filed August 29, 2025.

<sup>2</sup> Plaintiffs' "Complaint," filed June 30, 2025.

<sup>3</sup> "Plaintiffs' Answer to Preliminary Objections of Defendant, Benjamin D. Martin," filed September 17, 2025.

<sup>4</sup> The parties filed the following briefs: (i) "Memorandum of Law in Support of Defendant Benjamin Martin's Preliminary Objections to Plaintiff's Complaint," filed August 29, 2025 ("Defendant's Brief"), and (ii) "Plaintiffs' Brief in Opposition to Preliminary Objections of Defendant, Benjamin D. Martin," filed September 17, 2025 ("Plaintiffs' Brief").

<sup>5</sup> The Court heard argument on the Preliminary Objections on October 28, 2025. Scheduling Order dated and entered September 17, 2025. Attorney Lily C. Calkins, Esq. represented Defendant Martin at argument, and Joseph P. Comerota, Esq. represented the Plaintiffs. Defendant State Farm did not appear, having no direct interest in the outcome of the Preliminary Objections.

**I. BACKGROUND.<sup>6</sup>**

Plaintiff Heather Charles, in her own right and as Administratrix of the Estate of Spencer Christian Charles (the "Decedent"), commenced this action by Complaint on June 30, 2025 against Defendants Benjamin Martin and State Farm Mutual Automobile Insurance Company.<sup>7</sup> The Complaint arises out of a fatal motor vehicle accident that occurred on July 1, 2023.<sup>8</sup>

The Complaint alleges that on July 1, 2023 Defendant Martin was travelling west on Grand Valley Road in West Mifflin Township in a 2020 Dodge Ram 2500 pickup truck, while Decedent was traveling eastbound on the same road at the same time. Defendant Martin crossed the double yellow line and entered the eastbound lane, whereupon he collided head-on with the Decedent's vehicle. As a result of the collision, Decedent, who was 30 years old, suffered fatal injuries. At the time of the collision, Defendant Martin was intoxicated and under the influence of a controlled substance.<sup>9</sup>

At the time, Decedent was insured under a policy of insurance issued by Defendant State Farm. The policy of insurance provided underinsured motorist coverage.<sup>10</sup>

Plaintiffs allege Defendant Martin was negligent, careless and reckless in a variety of ways and that he was negligent *per se* in that he violated a number of traffic laws which were in effect at the time to protect the interests of individuals in

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<sup>6</sup> Because this case comes before the Court on preliminary objections, "the facts that are well-pleaded, material, and relevant will be considered as true, together with such reasonable inferences as may be drawn from such facts." *Mellon Bank, N.A. v. Fabinyi*, 650 A.2d 895, 899 (Pa. Super. 1994) (citations omitted). Thus, the facts recited here are drawn from the pleadings and other filings by the parties and are not factual findings by the Court.

<sup>7</sup> See, *supra*, n.2.

<sup>8</sup> Complaint, ¶ 2.

<sup>9</sup> *Id.*, ¶¶ 3-11, 22.

<sup>10</sup> *Id.*, ¶ 23, Exh. A.

the same position as the Decedent.<sup>11</sup> The Complaint asserts causes of action for wrongful death (Count I—Plaintiffs vs. Defendant Martin),<sup>12</sup> survival (Count II—Plaintiffs vs. Defendant Martin),<sup>13</sup> and underinsured motorist (Count III—Plaintiffs vs. Defendant State Farm).<sup>14</sup>

Defendant State Farm filed an answer to the Complaint on August 5, 2025,<sup>15</sup> and Defendant Martin filed his Preliminary Objections on August 29, 2025.<sup>16</sup> The Preliminary Objections first seek dismissal of the Complaint for failure to file a proper verification because the Complaint is verified by counsel and not by Plaintiffs.<sup>17</sup> On September 15, 2025, Plaintiffs filed a praecipe to substitute verification to substitute Ms. Charles' verification for counsel's.<sup>18</sup> Thereafter, the parties filed a stipulation indicating the preliminary objection for an improper verification is resolved.<sup>19</sup>

The Preliminary Objections also assert that the Complaint contains non-specific allegations of recklessness which should be stricken or dismissed and that the Plaintiffs' claims for punitive damages should be stricken or dismissed as a result.<sup>20</sup> This preliminary objection remains pending and is not affected by the parties' stipulation.<sup>21</sup> Plaintiffs deny the Complaint is factually or legally deficient and assert that the factual averments are sufficiently specific to support the allegations of recklessness and the demands for punitive damages.<sup>22</sup>

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<sup>11</sup> *Id.*, ¶¶ 12-21.

<sup>12</sup> *Id.*, ¶¶ 24-28.

<sup>13</sup> *Id.*, ¶¶ 29-31.

<sup>14</sup> *Id.*, ¶¶ 32-43.

<sup>15</sup> "Answer with New Matter of Defendant State Farm Mutual Automobile Insurance Company to Plaintiff's Complaint," filed August 5, 2025. Plaintiff filed her "Plaintiffs' Reply to New Matter of Defendant State Farm Mutual Insurance Company" on August 15, 2025.

<sup>16</sup> See, *supra*, n.1.

<sup>17</sup> Preliminary Objections, ¶¶ 3, 7-15.

<sup>18</sup> "Praecipe to Substitute Verification," filed September 15, 2025.

<sup>19</sup> "Stipulation," filed September 16, 2025 (the "Stipulation").

<sup>20</sup> Preliminary Objections, ¶¶ 4-6, 16-25.

<sup>21</sup> Stipulation.

<sup>22</sup> Response.

The Court heard argument on the Preliminary Objections on October 28, 2025,<sup>23</sup> and they are now ripe for disposition.

## **II. LAW AND ANALYSIS.**

The Preliminary Objections contend the Complaint is insufficiently specific to support the claims of recklessness and interpose a demurrer to the claims of recklessness and for punitive damages.<sup>24</sup> “ ‘[A] demurrer is a preliminary objection to the legal sufficiency of a pleading and raises questions of law.’ ”<sup>25</sup>

“Preliminary objections in the nature of a demurrer should be granted where the contested pleading is legally insufficient. Preliminary objections in the nature of a demurrer require the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer. All material facts set forth in the pleading and all inferences reasonably deducible therefrom must be admitted as true.”<sup>26</sup>

A demurrer should be granted when, “on the facts averred, the law says with certainty that no recovery is possible.”<sup>27</sup>

Pennsylvania's rules of pleading require that “[t]he material facts on which a cause of action or defense is based shall be stated in a concise and summary form.”<sup>28</sup> “ ‘Material facts’ are ‘ultimate facts,’ *i.e.*, those facts essential to support the claim. Evidence from which such facts may be inferred not only need not but should not be alleged.”<sup>29</sup> When determining whether a claim has been pleaded with the

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<sup>23</sup> See, *supra*, n.5.

<sup>24</sup> See Pa. R. Civ. P. 1028(a)(2), (3), (4) (providing that any party may file a preliminary objection to any pleading for failure to conform to law, for insufficient specificity or for legal insufficiency).

<sup>25</sup> *Matteo v. EOS USA, Inc.*, 292 A.3d 571, 576 (Pa. Super. 2023) (quoting *Laret v. Wilson*, 279 A.3d 56, 58 (Pa. Super. 2022)).

<sup>26</sup> *Garcia v. American Eagle Outfitters, Inc.*, 293 A.3d 252, 254-55 (Pa. Super. 2023) (quoting *Caltagirone v. Cephalon, Inc.*, 190 A.3d 596, 599 (Pa. Super. 2018) (citations omitted)), *alloc. denied*, 195 A.3d 854 (Pa. 2018).

<sup>27</sup> *MacElree v. Philadelphia Newspapers, Inc.*, 674 A.2d 1050, 1054 (Pa. 1996) (quoting *Vattimo v. Lower Bucks Hospital, Inc.*, 465 A.2d 1231, 1232-33 (Pa. 1983)).

<sup>28</sup> Pa. R. Civ. P. 1019(a).

<sup>29</sup> *Baker v. Rangos*, 324 A.2d 498, 505 (Pa. Super. 1974) (citing *United Refrigerator Co. v. Applebaum*, 189 A.2d 253 (Pa. 1963) (allegation of defense by accommodation parties that plaintiff

requisite specificity, a court does not analyze the specificity of a particular paragraph or allegation; rather, it views the allegations in the context of the pleading as a whole.<sup>30</sup> Moreover, a defendant will demand that plaintiff plead with appropriate specificity in order to curb potential future amendment without restriction, as our liberal rules pertaining to amendment of pleadings typically permit an amendment merely amplifying an existing cause of action, while foreclosing only those amendments that cause "resulting prejudice" to the adverse party.<sup>31</sup>

Punitive damages "are penal in nature and are intended to punish a tortfeasor and to deter the tortfeasor and others from similar conduct" and "are appropriate 'where the defendant's actions are so outrageous as to demonstrate willful, wanton or reckless conduct.'"<sup>32</sup> "Punitive damages may be awarded for conduct that is outrageous, because of the defendant's evil motive or his reckless indifference to the rights of others."<sup>33</sup> Thus, Plaintiffs can only recover punitive damages upon a

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was accommodated party to whom they were not liable sufficient; reason for accommodation evidentiary fact that need not be alleged); *Smith v. Allegheny County*, 155 A.2d 615 (Pa. 1959) (complaint accusing defendants of failure to provide adequate drainage sufficient; source and means of flow either through pipes or strata of rock a matter of evidence)). Although parties must plead the material facts upon which their claims are based, they need not plead the evidence upon which they will rely to establish those facts. *Com. by Shapiro v. Golden Gate National Senior Care LLC*, 194 A.3d 1010, 1029-30 (Pa. 2018) (citing *United Refrigerator*, *supra*, 189 A.2d at 255; *Unified Sportsmen of Pa. v. Pa. Game Comm'n*, 950 A.2d 1120, 1134 (Pa. Commw. 2008)). "[T]he complaint need not cite evidence but only those facts necessary for the defendant to prepare a defense." *Unified Sportsmen*, *supra*, 950 A.2d at 1134. While "the line between pleading facts and evidence is not always bright[.]" two conditions "must always be met: [t]he pleadings must adequately explain the nature of the claim to the opposing party so as to permit him to prepare a defense and they must be sufficient to convince the court that the averments are not merely subterfuge." *Bata v. Cent.-Penn Nat. Bank of Philadelphia*, 224 A.2d 174, 179 (Pa. 1966).

<sup>30</sup> *Yacoub v. Lehigh Valley Med. Assocs., P.C.*, 805 A.2d 579, 589 (Pa. Super. 2002) (en banc). A complaint must do more than merely "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." ... It should formulate the issues by fully summarizing the material facts." *Baker*, *supra*, 324 A.2d at 505 (quoting *Conley v. Gibson*, 78 S. Ct. 99, 103, (1957) (statement made in reference to Fed. R. Civ. P. 8(a)).

<sup>31</sup> See, e.g., *Connor v. Allegheny General Hospital*, 461 A.2d 600, 602 (Pa. 1983).

<sup>32</sup> *Dwyer v. Ameriprise Financial, Inc.*, 313 A.3d 969, 980-81 (Pa. 2024) (footnotes omitted) (citing and quoting *Hutchison ex rel. Hutchison v. Luddy*, 870 A.2d 766, 770 (Pa. 2005)).

<sup>33</sup> *Bert Co. v. Turk*, 298 A.3d 44, 61 (Pa. 2023).

showing that Defendant Martin's conduct was "so outrageous as to demonstrate willful, wanton or reckless conduct."<sup>34</sup>

Defendant Martin seeks dismissal of the Plaintiffs' claims that his conduct was reckless, contending that the Complaint does not plead recklessness adequately and, therefore, that the claims for punitive damages must be dismissed as legally insufficient.<sup>35</sup> As noted above, Pennsylvania is a fact pleading state, and a plaintiff must plead the material facts upon which her cause of action is based. This general rule notwithstanding, "[m]alice, intent, knowledge, and other conditions of mind may be averred generally."<sup>36</sup>

The Superior Court recently discussed at length gross negligence and recklessness in the context of a negligence claim:

[G]ross negligence and recklessness have not historically been identified as independent causes of action. Instead, they are aggravated forms of negligence. The level of care required is in proportion to the apparent risk involved; the greater the danger, the greater the level of care required by the actor.

Gross negligence and recklessness have been described as follows:

**Gross negligence.** As it originally appeared, this was very great negligence, or the want of even slight or scant care. It has been described as a failure to exercise even that care which a careless person would use ... [M]ost courts consider that "gross negligence" falls short of a reckless disregard of the consequences, and differs from ordinary negligence only in degree and not in kind ...

**Willful, Wanton, and Reckless.** A different approach, at least in theory, looks to the actor's real or supposed state of mind. Lying between the intent to do harm, ... and the mere unreasonable risk of harm to another involved in ordinary negligence, there is a penumbra of what has been called "quasi-intent." To this area, the words "willful," "wanton," or "reckless" are customarily applied; and sometimes in a single sentence, all three ... They have been grouped together as an aggravated

<sup>34</sup> *Hutchinson*, *supra*, 870 A.2d at 770.

<sup>35</sup> Preliminary Objections.

<sup>36</sup> Pa. R. Civ. P. 1019(b).

form of negligence, differing in quality rather than in degree from ordinary lack of care ... They apply to conduct which is still, at essence, negligent, rather than actually intended to do harm, but which is so far from a proper state of mind that it is treated in many respects as if it were so intended. Thus, it is held to justify an award of punitive damages, ... and it will avoid the defense of ordinary negligence on the part of the plaintiff.

The usual meaning assigned to [these words] is that the actor has intentionally done an act of unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow, and which thus is usually accompanied by a conscious indifference to the consequences. Since, however, it is almost never admitted and can be proven only by the conduct and circumstances, an objective standard must of necessity in practice be applied. The "willful" requirement breaks down ... where it is clear from the facts that the defendant, whatever his state of mind, has proceeded in disregard of a high and excessive degree of danger, either known to him or apparent to a reasonable person in his position.

... [T]here is often no clear distinction at all between [this] conduct and "gross negligence" and the two have tended to merge and take on the same meaning, an aggravated form of negligence, differing in quality rather than in degree from ordinary lack of care. It is at least clear that such aggravated negligence must be more than any mere mistake resulting from inexperience, excitement, or confusion, and more than mere thoughtlessness or inadvertence or simple inattention....

In other words, gross negligence and recklessness are states of mind; they are forms of negligence, not independent causes of action. Thus, our procedural rules allow the plaintiff to plead gross negligence and recklessness generally.<sup>37</sup>

The exception to our general rules of pleading permitting a party's state of mind to be pleaded generally stems from necessity, but it does not "dispense with the requirement that material facts constituting the conduct of a defendant also be pleaded."<sup>38</sup> Thus, although Plaintiffs may allege generally that Defendant Martin acted recklessly, they must allege sufficient material facts to support their general

<sup>37</sup> *Monroe v. CBH20, LP*, 286 A.3d 785, 798-99 (Pa. Super. 2022) (emphasis in original) (citations omitted) (quoting *Prosser and Keeton on Torts*, § 34 at 208-14 (5th ed. 1984)) (citing Pa. R. Civ. P. 1019(b)).

<sup>38</sup> *Ammlung v. City of Chester*, 302 A.2d 491, 497-98 (Pa. Super. 1973).

allegation, and, if the material facts proposed in the Complaint operate to disprove their allegations of recklessness, those allegations must be dismissed.<sup>39</sup>

The Complaint alleges, in pertinent part, the following facts:

3. On July 1, 2023, Spencer Charles was killed in a head-on motor vehicle crash by a driver who was intoxicated and under the influence of one or more controlled substances.

...

7. On July 1, 2023, at approximately 12:30 p.m., Defendant Martin was travelling west on Grand Valley Road in West Mifflin Township in a 2020 Dodge Ram 2500 pickup truck which he owned.

8. At the same time, Plaintiff's decedent, Spencer Charles, was traveling east on Grand Valley Road in his 2018 Subaru Legacy.

9. At the time of the subject crash, Defendant Martin was intoxicated and under the influence of a controlled substance.

10. At the aforementioned time and place, Defendant Martin operated his Dodge Ram pickup truck in such a negligent, careless and reckless manner that he crossed the double yellow line and entered the eastbound lane of Grand Valley Road whereupon he collided, head-on, with the much smaller Subaru operated by Plaintiff's decedent, Spencer Charles.

11. As a result of the negligence, carelessness and recklessness of Defendant Martin driving while intoxicated and under the influence of a controlled substance, Plaintiff's decedent, Spencer Charles[,] suffered catastrophic and fatal injuries....<sup>40</sup>

Thus, the Complaint alleges, *inter alia*, that Defendant Martin acted recklessly because he operated a motor vehicle while intoxicated and under the influence of a controlled substance. It also alleges a number of ways in which Defendant Martin was reckless and points to a number of state laws he allegedly violated.<sup>41</sup> The Superior Court has stated that

Automobiles represent the most lethal and deadly weapons today entrusted to our citizenry. When automobiles are driven by intoxicated

<sup>39</sup> See, e.g., *Orange Stones Co. v. City of Reading*, 87 A.3d 1014, 1025-26 (Pa. Commw. 2014).

<sup>40</sup> Complaint, ¶¶ 3, 7-11.

<sup>41</sup> Complaint, ¶¶ 12-17.



drivers, the possibility of death and serious injury increases substantially. Every licensed driver is aware that driving while under the influence of intoxicating liquor presents a significant and very real danger to others in the area. Thus, we have no hesitancy in concluding that an intentional assault with fists may, in certain instances, constitute action less outrageous than attempting to drive while under the influence of intoxicating liquor which constitutes a threat to the life and safety of others. In certain factual circumstances the risk to others by the drunken driver may be so obvious and the probability that harm will follow so great that outrageous misconduct may be established without reference to motive or intent. We conclude, therefore, that, under the appropriate circumstances, evidence of driving while under the influence of intoxicating liquors may constitute a sufficient ground for allowing punitive damages.<sup>42</sup>

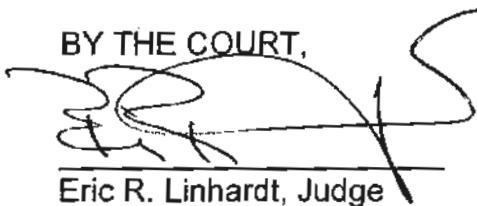
Accordingly, evidence that Defendant was operating his vehicle while under the influence of intoxicating liquors or controlled substance(s) may be sufficient to establish that he acted recklessly and may support an award of punitive damages.<sup>43</sup> The Court finds that Plaintiffs' sufficiently alleged that Defendant Martin was operating his vehicle recklessly at the time of the accident to survive dismissal at this stage of the litigation. Should facts emerge during discovery calling Plaintiffs' allegations into question, Defendant may file an appropriate motion.

### **III. CONCLUSION AND ORDER.**

For the reasons explained above, Defendant Martin's Preliminary Objections are OVERRULED. Defendant shall file an answer to the Complaint within **twenty (20) days** after entry of this Order.

IT IS SO ORDERED.

BY THE COURT,



Eric R. Linhardt, Judge

ERL/bel

<sup>42</sup> *Focht v. Rabada*, 268 A.2d 157, 161 (Pa. Super. 1970) (footnote omitted).

<sup>43</sup> See, e.g., *Brueckner v. Stewart*, 82 Pa. D. & C. 4th 454 (Lawrence Cnty. 2006) (holding that allegations that defendant "acted with reckless indifference and disregard to the interests of the plaintiffs by driving under the influence of alcohol, crashing into the rear of plaintiffs' car while moving at a high rate of speed, and then fleeing the scene" were "sufficient evidence of outrageous conduct to support a claim for punitive damages").

cc: Joseph P. Comerota, Esq. ([lycecf@comerotalaw.com](mailto:lycecf@comerotalaw.com)), Comerota Law, P.C. 7  
South Main Street, Suite 221, Wilkes-Barre, PA 18701  
David R. Friedman, Esq. ([dfriedman@forryullman.com](mailto:dfriedman@forryullman.com)), 661 Moore Road,  
Suite 202, King of Prussia, PA 19406  
Suzanne R. Fisher, Esq. ([sfisher@c-wlaw.com](mailto:sfisher@c-wlaw.com)) and Lily C. Calkins, Esq.  
([lcalkins@c-wlaw.com](mailto:lcalkins@c-wlaw.com)), Cipriani & Werner, P.C., 450 Sentry Parkway,  
Suite 200, Blue Bell, PA 19422  
Gary L. Weber, Esq. ([gweber@mcclaw.com](mailto:gweber@mcclaw.com)), Lycoming Reporter  
Court Administration/Court Scheduling