

**IN THE COURT OF COMMON PLEAS OF
LYCOMING COUNTY, PENNSYLVANIA**

RICHARD STONER	: No. CV-2025-00809-Cv	
Plaintiff,	:	
VS	:	
	:	
LINDA KEPNER, TIMOTHY	:	CIVIL ACTION – LAW
SHANNON, a.k.a. TYLER SHANNON	:	
STATE FARM MUTUAL	:	
AUTOMOBILE INSURANCE	:	
COMPANY and STATE FARM	:	
FIRE AND CASUALTY COMPANY	:	
Defendants.	:	Preliminary Objections

OPINION AND ORDER ON PRELIMINARY OBJECTIONS
FILED SEPTEMBER 2, 2025

This matter came before the Court on October 31, 2025, for oral argument on Preliminary Objections to the Complaint filed on September 2, 2025, by Plaintiff. The gravamen of those Preliminary Objections is Plaintiff's contention that Paragraphs 94 and 95 and 97 of the affirmative defenses set forth in the New Matter filed by Defendant Timothy Shannon should be stricken.

BACKGROUND:

The Complaint alleges that Plaintiff was a passenger in a motor vehicle driven by Defendant, Timothy Shannon (a.k.a. Tyler Shannon), that another vehicle operated by Defendant Linda Kepner failed to stop at a stop sign, that the Kepner vehicle collided with the Shannon vehicle, and that the resulting collision caused injuries to the Plaintiff.

Defendant Shannon filed an Answer with New Matter. Among other affirmative defenses Shannon asserts in his New Matter, he asserts that Plaintiff's claims are barred, in whole or in part, pursuant to the terms of the Pennsylvania Financial Responsibility Law (Paragraph 94), because Plaintiff's damages were caused by others (Paragraph 95), and that Plaintiff's injuries are preexisting (Paragraph 97).

QUESTION PRESENTED:

WHETHER THE AFFIRMATIVE DEFENSES ASSERTED BY SHANNON AT PARAGRAPHS 94 AND 95 AND 97 SHOULD BE STRIKEN.

ANSWER TO QUESTION PRESENTED:

THE AFFIRMATIVE DEFENSES ASSERTED BY SHANNON AT PARAGRAPHS 94 AND 97 WILL NOT BE STRIKEN, BUT SHANNON WILL BE DIRECTED TO PLEAD WITH SPECIFICITY HIS CLAIM THAT PLAINTIFF'S INJURIES WERE CAUSED BY ONE OR MORE THIRD PARTIES.

DISCUSSION:

This Court is obligated to “liberally construe” the Rules of Civil Procedure “to secure the just, speedy and inexpensive determination of every action” and “may disregard any error or defect of procedure which does not affect the substantial rights of the parties” to that end. Pa.R.C.P. 126. In reviewing preliminary objections, “[a]ll well-pled facts in the complaint, *and reasonable inferences arising from those facts*, are accepted as true. However, unwarranted inferences, conclusions of law, argumentative allegations or expressions of opinion need not be accepted.” *Richardson v. Wetzel*, 74 A.3d 353, 356 (Pa. Commw. Ct. 2013) (quoting *Wilson v. Marrow*, 917 A.2d 357, 361 n. 3 (Pa. Commw. Ct. 2007) (*emphasis added*); *Goehring v. Harleysville Mut. Cas. Co.*, 73 Pa. D.&C.2d 784, 788 (Beaver Cnty. 1976) (“...[A] motion to strike should be overruled unless a party can affirmatively show prejudice...”).

The purpose of pleadings is to place the opposing party on notice of the claims or defenses which they must meet, and to provide a summary of the material facts upon which those claims or defenses are based. *Yacoub v. Lehigh Valley Medical Associates*, 2002 PA.Super. 251, 805 A.2d 579, 589 (Pa.Super. 2002), citing *McClellan v. Health Maintenance Organization of Pennsylvania*, 413 Pa.Super. 128, 604 A.2d 1053 (Pa.Super. 1992). “The material facts on which a cause of action or defense is based shall be stated in a concise and summary form.” Pa.R.C.P. § 1019(a). And, “The purpose of this rule is to require the plaintiff to disclose the material facts sufficient to enable the adverse party to prepare the case.” *Bennett v. Beard*, 919 A.2d 365, 367 (Pa. Commw. Ct. 2007). Furthermore, “Pennsylvania is a fact-pleading jurisdiction; consequently, a pleading must not only apprise the opposing party of the asserted claim, ‘it must also formulate the issues by summarizing those facts essential to

support the claim.” *Wetzel*, 74 A.3d at 356–57 (quoting *Sevin v. Kelshaw*, 611 A.2d 1232, 1235 (Pa. Super. Ct. 1992)). Finally, “the lower court has broad discretion in determining the amount of detail that must be averred since the standard of pleading set forth in Rule 1019(a) is incapable of precise measurement.” *United Refrigerator Co. v. Applebaum*, 189 A.2d 253, 255 (Pa. 1963).

Plaintiff very accurately observes that the affirmative defense asserted by Shannon at Paragraph 94 of his New Matter is bereft of any allegation of material fact, but are merely a boilerplate statement that Plaintiff’s claims are barred by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law. Because that statement is merely a boilerplate legal assertion, it is a nullity. As such, there is little likelihood of any prejudice to the Plaintiff.

With regard to the affirmative defense set forth at Paragraph 97, Shannon asserts (with no factual detail) that Plaintiff’s injuries were pre-existent. Given the complete absence of detail, the Court infers that Shannon has no good faith basis for that assertion. Nevertheless, it is highly unlikely that, as Plaintiff asserts at Paragraph 34 of his preliminary objections, “Plaintiff is unduly prejudiced.”

The Court sees the affirmative defense at Paragraph 95 differently. There, Shannon contends that Plaintiff’s injuries were caused by unnamed third parties. Presumably, Shannon contends that the collusion was caused by a co-defendant. If so, he should so state. The Court will direct an amended pleading on that issue.

ORDER

AND NOW, this day of November, 2025, it is hereby

ORDERED as follows:

1. Plaintiff's Preliminary Objections to the New Matter of Defendant Timothy Shannon, filed September 2, 2025, are **GRANTED IN PART**. Timothy Shannon is directed to file an Amended New Matter which sets forth the material facts which support his contention that Plaintiff's damages "were caused by third parties over whom the Answering Defendant, Timothy Shannon, had no control or right to control."
2. The balance of Plaintiff's Preliminary Objections to the New Matter of Timothy Shannon, filed September 2, 2025, are **DENIED**.

BY THE COURT:

William P. Carlucci, Judge WPC

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