

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

RICHARD STONER	:	No. CV-2025-00809-Cv
	:	
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 3, 2025

This matter came before the Court on October 31, 2025, for oral argument on Preliminary Objections to the Complaint filed on September 3, 2025, by Plaintiff. The gravamen of those Preliminary Objections is Plaintiff’s contention that Paragraphs 93 and 94 and 95 and 97 of the affirmative defenses set forth in the New Matter filed by Defendants State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company (hereinafter collectively “State Farm”) 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.

State Farm filed an Answer with New Matter. Among other affirmative defenses, State Farm asserted in its New Matter that, Plaintiff was an occupant of a motor vehicle insured under the Pennsylvania Financial Responsibility Law (Paragraph 93), that Plaintiff cannot recover first party benefits to which Plaintiff is entitled under that law (Paragraph 94), that Plaintiff’s claims are barred, either in whole or in part, by a signed waiver (Paragraph 95), and that Plaintiff is legally precluded from recovering under both the liability and underinsured motorist portions of the same policy of insurance (Paragraph 97).

QUESTION PRESENTED:

WHETHER THE AFFIRMATIVE DEFENSES ASSERTED BY STATE FARM AT PARAGRAPHS 93 AND 94 AND 95 AND 97 SHOULD BE STRIKEN BECAUSE THEY ARE DEVOID OF MATERIAL FACTS AND ARE MERELY ACCURATE STATEMENTS OF THE LAW OF PENNSYLVANIA.

ANSWER TO QUESTION PRESENTED:

THE AFFIRMATIVE DEFENSES ASSERTED BY STATE FARM AT PARAGRAPHS 93 AND 94 AND 95 AND 97 WILL NOT BE STRIKEN, DESPITE THE FACT THAT THEY ALLEGE NO MATERIAL FACTS, BUT ARE MERELY ACCURATE STATEMENTS OF THE LAW OF PENNSYLVANIA.

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 defenses asserted by State Farm at Paragraphs 93 and 94 and 95 and 97 of its New Matter are substantially bereft of any allegation of material fact, but are merely a boilerplate list of legal principles pursuant to applicable Pennsylvania law. In Plaintiff’s view, the boilerplate language causes Plaintiff to be “unduly prejudiced in that Defendant has not made Plaintiff aware or provided notice of the specific defenses upon which Defendant will rely in defense of this cause of action.”

The Court sees the issue somewhat differently. Because the affirmative defenses set forth at State Farm New Matter Paragraphs 93 and 94 and 95 and 97 are merely a boilerplate list of legal principles, the listing is a nullity. As such, there is little likelihood of any prejudice to the Plaintiff. The more telling question is whether a naked list of legal principles, devoid of material facts, is sufficient to meet a subsequent motion for judgment on the pleadings. Since no such motion is currently before the Court, that question remains for another day. For present purposes, it is sufficient for the Court to determine whether State Farm’s list of legal principles set forth in New Matter is substantially likely to prejudice the Plaintiff in preparing its case. In the view of this Court, it is not.

ORDER

AND NOW, this ____ day of November, 2025, it is hereby Ordered as follows:

1. Plaintiff's Preliminary Objections to the State Farm New Matter, filed September 3, 2025, are denied.
2. Plaintiff will file a Reply to the New Matter within twenty (20) days of the date hereof.

By the Court,

William P. Carlucci, Judge

WPC

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