

**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 JUNE 30, 2025

This matter came before the Court on October 31, 2025, for oral argument on Preliminary Objections to the Complaint filed on June 30, 2025, by Defendant Linda Kepner. The gravamen of the Preliminary Objections is Defendants' contention that the allegations of the Complaint are insufficient to support a claim for punitive damages.

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.

Plaintiff claims that Kepner was careless, negligent, and reckless in failing to comply with the stop sign, and that Shannon was negligent in failing to maintain an assured clear distance from the Kepner vehicle.

QUESTION PRESENTED:

WHETHER A DEMURRER SHOULD BE ENTERED TO PLAINTIFF'S CLAIM
FOR PUNITIVE DAMAGES PRIOR TO DISCOVERY.

ANSWER TO QUESTION PRESENTED:

NO DEMURRER SHOULD BE ENTERED TO PLAINTIFF'S CLAIM FOR
PUNITIVE DAMAGES PRIOR TO DISCOVERY.

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...”).

Moreover, “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).

Simply stated, Defendant contends that Defendant is entitled to a demurrer to Plaintiff’s claim for punitive damages, since the facts alleged in the Complaint do not clearly establish a basis for an award of punitive damages. In the view of this Court, that is not the settled law of this Commonwealth.

Pennsylvania law concerning preliminary objections in the nature of demurrer is well-settled. Courts have long recognized that:

A demurrer can only be sustained where the complaint is clearly insufficient to establish the pleader’s right to relief. *Firing v. Kephart*, 466 Pa. 560, 353 A.2d 833 (1976). For the purpose of testing the legal sufficiency of the challenged pleading a preliminary objection in the nature of a demurrer admits as true all well-pleaded, material, relevant facts, *Savitz v. Weinstein*, 395 Pa. 173, 149 A.2d 110 (1959); *March*

v. Banus, 395 Pa. 629, 151 A.2d 612 (1959), and every inference fairly deducible from those facts. *Chappell v. Powell*, 303 A.3d 507, 511 (Pa.Super. 2023); *Hoffman v. Misericordia Hospital of Philadelphia*, 439 Pa. 501, 267 A.2d 867 (1970); *Troop v. Franklin Savings Trust*, 291 Pa. 18, 139 A. 492 (1927). The pleader's conclusions or averments of law are not considered to be admitted as true by a demurrer. *Savitz v. Weinstein*, *supra*.

Since the sustaining of a demurrer results in a denial of the pleader's claim or a dismissal of his suit, a preliminary objection in the nature of a demurrer should be sustained only in cases that clearly and without a doubt fail to state a claim for which relief may be granted. *Schott v. Westinghouse Electric Corp.*, 436 Pa. 279, 259 A.2d 443 (1969); *Botwinick v. Credit Exchange, Inc.*, 419 Pa. 65, 213 A.2d 349 (1965); *Savitz v. Weinstein*, *supra*; ****829** *London v. Kingsley*, 368 Pa. 109, 81 A.2d 870 (1951); *Waldman v. Shoemaker*, 367 Pa. 587, 80 A.2d 776 (1951). If the facts as pleaded state a claim for which relief may be granted under any theory of law then there is sufficient doubt to require the preliminary objection in the nature of a demurrer to be rejected. *Packler v. State Employment Retirement Board*, 470 Pa. 368, 371, 368 A.2d 673, 675 (1977); *see also*, *Schott v. Westinghouse Electric Corp.*, *supra*, 436 Pa. at 291, 259 A.2d at 449.

Mudd v. Hoffman Homes for Youth, Inc., 374 Pa.Super. 522, 524–25, 543 A.2d 1092, 1093–94 (1988) (quoting *County of Allegheny v. Commonwealth*, 507 Pa. 360, 372, 490 A.2d 402, 408 (1985)). Accord, *Ritz v. Ramsay*, 305 A.3d 1056, 1061 (Pa.Super. 2023).

ORDER

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

1. Defendant's Preliminary Objections to the Complaint are denied, without prejudice to Defendant to seek summary judgment on Plaintiff's claims.
2. Defendant shall file an Answer within twenty (20) days of the date hereof.

BY THE COURT:

William P. Carlucci, Judge

WPC

Bradley D. Moyer, Esquire

524 Biden Street, Scranton, PA 18503

Joseph R. Musto, Esquire

Robert J. Muolo, Esquire

240-246 Market Street, Sunbury, PA 17801

James D. Palmer, Esquire

Willow Grove Office Park, 607 Easton Road, Suite D, Willow Grove, PA 19090