

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

TERRI LAUCHLE,	:	
Plaintiff,	:	No. CV 25-01,576
vs.	:	
MUNCY TOWNSHIP, ET AL.,	:	
Defendants.	:	
MELISSA WERTMAN DOYLE,	:	
Plaintiff,	:	No. CV 25-01,682
vs.	:	
DENISE ARTLEY,	:	
Defendant.	:	
MELISSA WERTMAN DOYLE,	:	
Plaintiff,	:	No. CV 25-01,683
vs.	:	
TERRI LAUCHLE,	:	
Defendant.	:	

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CLERK

OPINION AND ORDER

AND NOW, this 29th day of June, 2026, the Court considers outstanding filings in the above-captioned cases, which were consolidated for argument.¹ The outstanding matters addressed by the Court here are Defendants' preliminary objections² and Plaintiff's response³ in case no. CV 25-01,576; Defendant's

¹ As these cases all arise out of similar facts and issues, the Court consolidated them for argument and heard argument on all of the outstanding matters on March 5, 2026. Transcript of Proceedings held March 5, 2026, filed March 16, 2026 is case nos. CV 25-01,576, CV 25-01,682 and CV 25-01,683. Melissa Wertman Doyle, Terri Lauchle and Denise Artley all appeared pro se, while Attorney Zachary M. DuGan, Esq. appeared for Muncy Township.

² "Defendants' Preliminary Objections to Complaint," filed December 19, 2025 in case no. 25-01,576.

³ Plaintiff's Response in Opposition to Defendants' Preliminary Objections," filed January 5, 2025 in case no. CV 25-01,576.

preliminary objections,⁴ Plaintiff's response⁵ and Plaintiff's motion to quash⁶ in case no. CV 25-01,682; and Defendant's preliminary objections⁷ and Plaintiff's response⁸ in case no. CV 25-01,683. and the arguments of the parties.

I. BACKGROUND AND PRELIMINARY MATTERS.

These connected cases all pertain to controversies during 2025 and 2026 surrounding governance in Muncy Township (the "Township"), a second class township located in Lycoming County, Pennsylvania governed by the Second Class Township Code.⁹ Terri Lauchle is an adult resident, elector, and taxpayer during 2025 and 2026, as well as an elected supervisor beginning in 2026, of the Township.¹⁰ Denise Artley is an adult resident, elector, taxpayer, and, elected supervisor during 2025 and 2026 of the Township.¹¹ Melissa Wertman-Doyle is an adult resident, elector, taxpayer, elected auditor during 2025 and 2026, as well as judge of elections during 2025, for the Township.¹²

⁴ Defendant Denise Artley's Preliminary Objections and Motion to Strike Pursuant to Pa. R.C.P. 1028, filed December 31, 2025 in case no. 25-01,682.

⁵ Plaintiff's Response to Preliminary Objections, filed January 21, 2026 in case no. 25-01,682.

⁶ Plaintiff's Motion to Quash Service of Preliminary Objections, filed January 21, 2026 in case no. 25-01,682.

⁷ Preliminary Objections and Motion to Strike of Defendant Terri Lauchle, filed December 31, 2025 in case no. CV 25-01,683.

⁸ Plaintiff's "Response to Defendant's Preliminary Objections, filed on January 21, 2025 in case no. CV 25-01,683.

⁹ 53 Pa. C.S. §§ 65101, *et seq.*

¹⁰ Petition for Preliminary Injunction, filed November 17, 2025, to docket no. CV 25-01,576, § II; Complaint, filed December 19, 2025, to docket no. CV 25-01,683, ¶ 2.

¹¹ Complaint, filed December 19, 2025, to docket no. CV 25-01,682, ¶ 2.

¹² Complaint, filed December 19, 2025, to docket no. CV 25-01,682, ¶ 1; Complaint, filed December 19, 2025, to docket no. CV 25-01,683, ¶ 1.

A. Lauchle vs. Muncy Township Supervisors, et al., CV 25-01,576.

Lauchle commenced her suit against the Township Supervisors and the Township by filing a petition for preliminary injunction on November 17, 2025.¹³ The petition was denied without prejudice by Order entered December 22, 2025 which held, inter alia, that Plaintiff “has failed to establish a likelihood of immediate and irreparable harm.”¹⁴

She filed her complaint on December 17, 2025.¹⁵ In her complaint, she objected to various acts and omissions by the Township Supervisors in 2025.¹⁶ Defendants filed preliminary objections on December 19, 2025,¹⁷ and Lauchle responded on January 5, 2026.¹⁸ The Court considered these objections at the argument held on March 5, 2026.¹⁹

Presumably due to intervening circumstances, Lauchle voluntarily dismissed her case against the Township on June 25, 2026.²⁰ Accordingly, leave of Court for

¹³ Petition for Preliminary Injunction, filed November 17, 2025, to docket no. CV 25-01.576.

¹⁴ Order dated December 19 and entered December 22, 2025.

¹⁵ Complaint, filed December 17, 2025, to docket no. CV 25-01,576.

¹⁶ *Id.*

¹⁷ Defendants’ Preliminary Objections to Complaint, filed December 19, 2025 to docket no. CV 25-01,576.

¹⁸ Plaintiff’s Response in Opposition to Defendants’ Preliminary Objections, filed January 5, 2026 to docket no. CV 25-01.576.

¹⁹ *See, supra*, n.1.

²⁰ Praecepto to Voluntarily Dismiss Case Pursuant to Pennsylvania Rule of Civil Procedure 229A, filed June 25, 2026. *See also* Pa. R. Civ. P. 229(a) (“A discontinuance shall be the exclusive method of voluntary termination of an action, in whole or in part, by the plaintiff before commencement of the trial”). “A discontinuance in strict law must be by leave of court, but it is the universal practice in Pennsylvania to assume such leave in the first instance.” *Fancsali ex rel. Fancsali v. Univ. Health Cntr. of Pittsburgh*, 761 A.2d 1159, 1161 (Pa. 2000) (quoting *Consolidated Nat’l Bank v. McManus*, 66 A. 250, 250 (Pa. 1907)). Here, based on the circumstances surrounding this case, and given that Lauchle took office as a Township Supervisor in 2026, the Court will grant leave for the dismissal, to the extent such leave is necessary.

Lauchle's voluntary dismissal of her case is GRANTED, and the Township's preliminary objections in this case are DISMISSED as moot.²¹

B. Wertman-Doyle vs. Artley, CV 25-01,682.

Wertman-Doyle commenced her suit against Artley by petition filed December 11, 2025.²² Subsequently, she filed her complaint on December 19, 2025.²³ Her complaint alleges misconduct on the part of Artley as a Township Supervisor—*i.e.*, disclosing confidential executive session material, attorney-client communications and other non-public Township information to Lauchle for use in litigation against the Township. Wertman-Doyle contends Artley breached her fiduciary duty to the Township, violated the Sunshine Act,²⁴ violated the Second Class Township Code, and violated the Public Official and Employee Ethics Act.²⁵ She seeks *quo warranto* relief in the nature of removal of Artley from office as a Township Supervisor.²⁶

²¹ "Pennsylvania courts are loath to decide abstract questions or to issue advisory opinions, so it follows that 'courts will not decide moot questions.' A matter becomes moot when 'changes in the facts or in the law [] ... deprive the litigant of the necessary stake in the outcome.' We have explained that 'the critical inquiry in determining whether a case has become moot is whether the court's decision could, in substance, accord the injured party relief.'" *County of Fulton v. Secretary of Commonwealth*, 330 A.3d 481, 491-92 (Pa. Commw. 2024) (citations omitted) (quoting *Public Defender's Office of Venango County v. Venango County Court of Common Pleas*, 893 A.2d 1275, 1279 (Pa. 2006); *Magnelli v. Pa. State Civ. Serv. Comm'n*, 423 A.2d 802, 804 (Pa. Commw. 1980) (quoting *In re Gross*, 382 A.2d 116, 119 (Pa. 1978)); *Toland v. Pa. Bd. of Prob. & Parole*, 311 A.3d 649, 658 (Pa. Commw. 2024)) (citing *DeWeese v. Ridge*, 681 A.2d 852, 853 (Pa. Commw. 1996)). Here, by virtue of voluntary dismissal of the complaint, any decision the Court would make concerning the preliminary objections would not afford relief to any party. Thus, the preliminary objections are moot and are dismissed as such.

²² Petition for Leave to File Action in Quo Warranto, filed December 11, 2026, to docket no. CV 25-01,682.

²³ Plaintiff's Complaint, filed December 19, 2025, to docket no. CV 25-01,682.

²⁴ 65 Pa. C.S. §§ 701, *et seq.*

²⁵ 65 Pa. C.S. §§ 1101, *et seq.*

²⁶ Plaintiff's Complaint, filed December 19, 2025, to docket no. CV 25-01,682.

Artley filed preliminary objections to the complaint on December 31, 2025.²⁷

Artley interposes the following six preliminary objections to the Complaint: (1)

Wertman-Doyle lacks standing to bring a *quo warranto* action; (2) the complaint fails to state a claim upon which relief can be granted in that Wertman-Doyle does not allege a clear statutory prohibition, conviction or adjudicated violation by Artley; (3) the complaint is insufficiently specific; (4) the complaint fails to state a claim upon which relief can be granted, in that the Sunshine Act does not authorize removal of a public official as a sanction for alleged violation; (5) the complaint includes scandalous or impertinent matter by virtue of references to the action then pending at CV 25-01,576; and (6) the complaint fails to state a claim upon which relief can be granted, in that the complaint fails to allege irreparable harm or public necessity warranting judicial intervention into the electorate's choices.²⁸

Wertman-Doyle requested an extension of time to respond²⁹ to the preliminary objections and filed a response³⁰ to them, as well as a motion to quash alleging improper service of the preliminary objections,³¹ on January 21, 2026.

While the Motion for extension of time to respond and the motion to quash seek dismissal of the preliminary objections for alleged improper service of them or, alternatively, additional time to respond, the Court is permitted to waive procedural

²⁷ Defendant Denise Artley's Preliminary Objections and Motion to Strike Pursuant to Pa. R.C.P. 1028, filed December 31, 2025, to docket no. CV 25-01,682.

²⁸ *Id.*

²⁹ Plaintiff's Motion for Extension of Time to Respond to Preliminary Objections, filed January 21, 2026, to docket no. CV 25-01,682. Wertman-Doyle seeks additional time to respond to the preliminary objections, alleging improper service delayed her receipt of them.

³⁰ Plaintiff's Response to Preliminary Objections, filed January 21, 2026, to docket no. CV 25-01,682.

³¹ Plaintiff's Motion to Quash Service of Preliminary Objections, filed January 21, 2026, to docket no. CV 25-01,682. Wertman-Doyle seeks to quash the preliminary objections based on improper service.

errors in the interests of justice.³² Notwithstanding any issues pertaining to service, Wertman-Doyle received the preliminary objections and presented her position regarding them to the Court at argument on March 5, 2026. As such, the motions for extension of time to respond and to quash the preliminary objections are DENIED. The Court will consider the preliminary objections on their merits as set forth below.

C. Wertman-Doyle vs. Lauchle, CV 25-01,683.

Wertman-Doyle commenced her suit against Lauchle by petition filed December 11, 2025.³³ Subsequently, she filed her complaint on December 19, 2025.³⁴ Her complaint alleges misconduct on the part of Lauchle as a Township Supervisor-elect—*i.e.*, improper electioneering, blocking legitimate actions by the prior board of Supervisors, receiving confidential executive session material, attorney-client communications and other non-public Township information for use in litigation against the Township. Wertman-Doyle contends Lauchle breached her fiduciary duty to the Township, violated the Sunshine Act, violated the Second Class Township Code, and violated the Public Official and Employee Ethics Act, violated the Election Code,³⁵ and created an irreconcilable conflict of interest. She seeks *quo warranto* relief in the nature of removal of Lauchle from office as a Township Supervisor.³⁶

³² Pa. R. Civ. P. 126(a) ("The rules shall be liberally applied to secure the just, speedy, and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantive rights of the parties").

³³ Petition of Melissa Wertman-Doyle for Leave to File Action in Quo Warranto and Suggestion for Writ of Quo Warranto, filed December 11, 2026, to docket no. CV 25-01,683.

³⁴ Plaintiff's Complaint, filed December 19, 2025, to docket no. CV 25-01,683.

³⁵ 25 Pa. C.S. §§ 2600, *et seq.*

³⁶ Plaintiff's Complaint, filed December 19, 2025, to docket no. CV 25-01,683.

Lauchle filed preliminary objections to the complaint on December 31, 2025.³⁷

Lauchle interposes the following six preliminary objections to the Complaint: (1) Wertman-Doyle lacks standing to bring a *quo warranto* action; (2) the court lacks subject matter jurisdiction to investigate and adjudicate alleged violations of the Ethics Act; (3) the complaint fails to state a claim upon which relief can be granted, in that the Sunshine Act does not authorize removal of a public official as a sanction for alleged violation; (4) the complaint fails to state a claim upon which relief can be granted, in that the Second Class Township Code does not authorize removal of a public official as a sanction for alleged violation; (5) the complaint fails to state a claim upon which relief can be granted, in that the Election Code does not authorize removal of a public official as a sanction for alleged violation; and (6) the complaint fails to state a claim upon which relief can be granted, in that the complaint seeks improper and unavailable remedies.³⁸

On January 21, 2026, Wertman-Doyle filed a response³⁹ to the preliminary objections and an amended complaint.⁴⁰ Filing of an amended complaint in response to preliminary objections ordinarily renders preliminary objections moot.⁴¹

³⁷ Preliminary Objections and Motion to Strike of Defendant Terri Lauchle, filed December 31, 2025, to docket no. CV 25-01,683.

³⁸ *Id.*

³⁹ Response to Defendant's Preliminary Objections, filed January 21, 2026 to docket no. CV 25-01,683.

⁴⁰ Amended Complaint, filed January 21, 2026 to docket no. CV 25-01,683.

⁴¹ Pa. R. Civ. P. 1028(c)(1) ("A party may file an amended pleading as of course within twenty days after service of a copy of preliminary objections. If a party has filed an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot"). Note: Lauchle served her preliminary objections on December 30, 2025, and Wertman-Doyle filed her amended complaint on January 21, 2026, which is more than 20 days after service of the preliminary objections. The Court will permit filing of the amended complaint beyond the 20 days pursuant to Pa. R. Civ. P. 126(a) (permitting waiver of procedural formalities that do not affect the substantive rights of a party in the interests of justice). Alternatively, the Court will permit filing of the amended

Accordingly, Lauchle's preliminary objections are DISMISSED as moot; however, as the complaint in this action suffers from some of the same infirmities as the complaint in the companion case filed to docket no. CV 25-01,682 and as Lauchle may simply renew her preliminary objections in response to the amended complaint, Wertman-Doyle is DIRECTED to file a second amended complaint to address the issues raised elsewhere in this Opinion and Order.⁴²

II. LAW AND ANALYSIS.

Having disposed of all matters except Artley's preliminary objections to Wertman-Doyle's complaint at docket no. CV 25-01,682, the Court now turns to consideration of those preliminary objections.

A. Whether Wertman-Doyle has standing to bring an action for writ of quo warranto?

Rule 1028(a)(5), Pennsylvania Rules of Civil Procedure, permits a preliminary objection for lack of capacity to sue.⁴³ Ordinarily, standing goes to a party's capacity to sue, so a standing objection is properly raised under Rule 1028(a)(5).⁴⁴

Generally, "capacity to sue refers to the legal ability of a person to come into court, and '[w]ant of capacity to sue has reference to or involves only a general legal disability, ... such as infancy, lunacy, idiocy, coverture, want of authority, or a want of

complaint with leave of Court pursuant to Pa. R. Civ. P. 1033(a) (permitting an amended pleading to be filed at any time with leave of court).

⁴² See Pa. R. Civ. P. 1033(a) (permitting an amended pleading to be filed at any time with leave of court). "Amendments are to be liberally permitted except where surprise or prejudice to the other party will result, or where the amendment is against a positive rule of law." *Burger v. Borough of Ingram*, 697 A.2d 1037, 1041 (Pa. Commw. 1997) (citing *Berman v. Herrick*, 424 Pa. 490, 227 A.2d 840 (1967)). At argument, Lauchle testified that she was aware of the amended complaint and that she would assert the same preliminary objections against it. Transcript, at 12. Therefore, the Court has no difficulty in directing Wertman-Doyle to file a second amended complaint.

⁴³ Pa. R. Civ. P. 1028(a)(5) ("Preliminary objections may be filed by any party to any pleading ... [for] lack of capacity to sue").

⁴⁴ *C.G. v. J.H.*, 172 A.3d 43, 54 (Pa. Super. 2017).

title in plaintiff in the character in which he or she sues.’ ”⁴⁵ A standing objection occasionally turns on pure questions of law. More typically, however, evaluation of a standing objection requires resolution of questions of fact and calls for the court to “consider evidence by depositions or otherwise.”⁴⁶ Where all facts necessary for the trial court to resolve a standing issue are of record, however, the Court may address a standing objection as an objection asserting legal insufficiency of the subject claims.⁴⁷

Typically, a *quo warranto* action is the proper method to challenge a person’s title or right to public office.⁴⁸ In order to ensure governmental stability and the integrity of the democratic process, however, our law places limitations on filing of *quo warranto* actions:

Generally, a *quo warranto* action can only be instituted by the Attorney General or by the local district attorney. A private person will have standing to bring a *quo warranto* action only if that person has a special right or interest in the matter, as distinguished from the right or

⁴⁵ *In re Estate of Sauers*, 32 A.3d 1241, 1248 (Pa. 2011) (quoting 67A C.J.S. Parties § 11) (emphasis omitted).

⁴⁶ *Id.*, at 54; see also Pa. R. Civ. P. 1028(c)(2) (“The court shall determine promptly all preliminary objections. If an issue of fact is raised, the court shall consider evidence by depositions or otherwise”).

⁴⁷ See, e.g., *Petty v. Hospital Service Ass’n of Northeastern Pa.*, 967 A.2d 439, 443-44 (Pa. Commw. 2009) (holding that where all facts necessary to address a standing objection were of record, the trial court properly resolved the objection under Pa. R. Civ. P. 1028(a)(4) (pertaining to demurrers), rather than under Pa. R. Civ. P. 1028(a)(5) (pertaining to capacity to sue)).

⁴⁸ *Reed v. Harrisburg City Council*, 995 A.2d 1137, 1139 (Pa. 2010). As our Supreme Court has explained,

quo warranto is the Gibraltar of stability in government tenure. Once a person is duly elected or duly appointed to public office, the continuity of his services may not be interrupted and the uniform working of the governmental machinery disorganized or disturbed by any proceeding less than a formal challenge to the office by that action which is now venerable with age, reinforced by countless precedent, and proved to be protective of all parties involved in a given controversy, namely *quo warranto*.

In re Board of School Directors of Carroll Twp., 180 A.2d 16, 17 (Pa. 1962).

interest of the public generally, or if the private person has been specially damaged.⁴⁹

To file a *quo warranto* action, a private person must either (1) establish that the Attorney General and the local District Attorney have refused to bring such an action or that it would be futile to seek their prior approval, or (2) establish that she has a special interest, as opposed to a general public interest, in the matter at hand.⁵⁰

Artley contends that Wertman-Doyle has not established that she has standing to pursue the instant *quo warranto* action.⁵¹ Here the Complaint does not contain adequate allegations to establish that Wertman-Doyle has standing to bring a *quo warranto* action. She has not alleged that the Attorney General and the District Attorney have refused to file this action or that requesting that they do so would be futile. Alternatively, she has not alleged that she has a special interest or that she has been specially damaged in a manner distinct from the right or interest of the general public. Thus, the complaint does not contain sufficient allegations of fact to establish standing.

Accordingly, Artley's first preliminary objection is SUSTAINED, with leave to amend,⁵² as set forth below.

⁴⁹ *In re One Hundred or More Qualified Electors of the Municipality of Clairton*, 683 A.2d 283, 286 (Pa. 1996) (citing *Spykerman v. Levy*, 421 A.2d 641, 649 (Pa. 1980)).

⁵⁰ *Reed, supra*, 995 A.2d at 1139-40.

⁵¹ Defendant Denise Artley's Preliminary Objections and Motion to Strike Pursuant to Pa. R.C.P. 1028, filed December 31, 2025, to docket no. CV 25-01,682, *Preliminary Objection No. 1*.

⁵² "[I]t is generally an abuse of discretion to dismiss a complaint without leave to amend." *Harley Davidson Motor Co., Inc. v. Hartman*, 442 A.2d 284, 286 (Pa. Super. 1982). "There may, of course, be cases where it is clear that amendment is impossible and where to extend leave to amend would be futile;" however, "[t]he right to amend should not be withheld where there is some reasonable possibility that amendment can be accomplished successfully." *Otto v. American Mutual Ins. Co.*, 393 A.2d 450, 451 (Pa. 1978). Plaintiff will be permitted to amend here, as the Court finds there is a reasonable possibility that amendment can be accomplished successfully.

B. Whether Wertman-Doyle's complaint fails to state a claim upon which relief can be granted?

Rule 1028(a)(4), Pennsylvania Rules of Civil Procedure, permits a preliminary objection for legal insufficiency of a pleading (demurrer).⁵³ “[A] demurrer is a preliminary objection to the legal sufficiency of a pleading and raises questions of law.”⁵⁴

“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.”⁵⁵

A demurrer should be granted when, “on the facts averred, the law says with certainty that no recovery is possible.”⁵⁶

Artley interposes three demurrers to Wertman-Doyle's complaint. She argues that the complaint is legally insufficient and fails to state a claim upon which relief can be granted (1) because Wertman-Doyle does not allege a clear statutory prohibition, conviction or adjudicated violation by Artley (preliminary objection no. 2); (2) because the Sunshine Act does not authorize removal of a public official as a sanction for an alleged violation (preliminary objection no. 4); (3) because Wertman-

⁵³ Pa. R. Civ. P. 1028(a)(4) (“Preliminary objections may be filed by any party to any pleading ... [for] legal insufficiency of a pleading (demurrer)”).

⁵⁴ *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)).

⁵⁵ *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).

⁵⁶ *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)).

Doyle fails to allege irreparable harm or public necessity warranting judicial intervention into the electorate's choices (preliminary objection no. 6).⁵⁷

In addition to the demurrers interposed by Artley, Lauchle claims the complaint against her is legally insufficient for several reasons not raised by Artley. Although the Court has dismissed Lauchle's preliminary objections as moot, in light of the Court's direction that Wertman-Doyle file a second amended complaint in her suit against Lauchle the Court will address the additional demurrers raised by Lauchle for purposes of judicial economy. Lauchle not only raises some of the same demurrers as Artley but also contends Wertman-Doyle's complaint against her is legally insufficient and fails to state a claim upon which relief can be granted because the Second Class Township Code, the Public Official and Employee Ethics Act, and the Election Code do not authorize removal of a public official as a sanction for an alleged violation of those acts.⁵⁸

As stated above, a *quo warranto* action challenges a defendant's title or right to public office.⁵⁹ A *quo warranto* action

is brought in the name of the commonwealth to redress a public wrong, is prosecuted in the name of the commonwealth's attorney and by his leave; [and] if the commonwealth is successful, it results in ousting the usurper from the office which he unlawfully holds.⁶⁰

Its only purpose "is to try the right of the defendant to presently exercise the office contested,"⁶¹ and it "is addressed to preventing a continued exercise of authority

⁵⁷ Defendant Denise Artley's Preliminary Objections and Motion to Strike Pursuant to Pa. R.C.P. 1028, filed December 31, 2025, to docket no. CV 25-01,682, *Preliminary Objection Nos. 2, 4, 6*.

⁵⁸ Preliminary Objections and Motion to Strike of Defendant Terri Lauchle, filed December 31, 2025, to docket no. CV 25-01,683.

⁵⁹ See, *supra*, Part II.A.

⁶⁰ *Com. ex. rel. Schermer v. Franek*, 166 A. 878, 879 (Pa. 1933).

⁶¹ *Meyer v. Strouse*, 221 A.2d 191, 192 (Pa. 1966).

unlawfully asserted rather than to correct what has already been done under that authority.”⁶²

The remedy of *quo warranto* “is available to the state, in its sovereign capacity, to protect the interests of the public and acts to prevent a continuing exercise of an authority unlawfully asserted.”⁶³ Nonetheless, private individuals can invoke the remedy of *quo warranto* under appropriate circumstances.⁶⁴ Wertman-Doyle’s complaints against Artley and Lauchle do not allege facts that would support invocation of the remedy, however, and they must be amended for this reason, among others.

Generally, a complaint in *quo warranto* contests the defendant’s right to exercise the powers a public office, which is a public injury, rather than attacking the propriety of actions performed while in office, which typically is a private injury.⁶⁵ Our courts have recognized *quo warranto* as the proper remedy for removing from office individuals guilty of misconduct, but they have done so sparingly and often only where there has been explicit violation of a law that provides for removal from office as a sanction.⁶⁶ The Sunshine Act, the Second Class Township Code, the

⁶² *State Dental Council and Examing Board v. Pollock*, 318 A.2d 910, 913 (Pa. 1974) (citing *Johnson v. Manhattan R.R. Co.*, 53 S. Ct. 721 (1932)).

⁶³ *McCoy v. Roth*, 563 A.2d 606, 607 n.1 (Pa. Commw. 1989).

⁶⁴ See, *supra*, Part II.A.

⁶⁵ *Bd. of Revision of Taxes, City of Philadelphia v. City of Philadelphia*, 4 A.3d 610, 627 (Pa. 2010).

⁶⁶ See, e.g., *Com. v. Rambler*, 32 A.3d 658 (Pa. 2011) (holding that a criminal conviction disqualify a defendant from office under the state constitutional provision prohibiting individuals who have been convicted of “infamous crimes” from holding public office); *Com. v. Wherry*, 152 A. 846 (Pa. 1930) (holding that *quo warranto* is the proper remedy for removing from office a borough councilman who had an interest in a contract for the sale of supplies to the borough, where a statute specifically stated that a member of council who becomes interested in a contract “shall forfeit his office”); *Com. ex rel. Sherwood v. Bennett*, 82 A. 249 (Pa. 1912) (holding that court has jurisdiction in *quo warranto* to declare an ouster from office where a city councilman forfeited his office by accepting another incompatible office); *Brunwasser v. Fields*, 397 A.2d 479 (Pa. Commw. 1979) (holding that violation of

Public Official and Employee Ethics Act, and the Election Code do not explicitly authorize removal of a public official as a sanction for an alleged violation of those acts under the circumstances currently set forth in the complaints against Artley or Lauchle. Under appropriate factual circumstances, however, violations of any or all of those potentially could support removal of an elected official on other grounds. Wertman-Doyle's must allege facts in her complaints against Artley and Lauchle that would support removal of the Defendants from office. She has not done so here.

For the reasons explained above, Artley's demurrers to the complaint are SUSTAINED, with leave to amend.

C. Whether Wertman-Doyle's complaint contains scandalous and impertinent matter by referring to Lauchle's suit against the Township?

Rule 1028(a)(2), Pennsylvania Rules of Civil Procedure, permits a preliminary objection for inclusion of scandalous or impertinent matter in a pleading.⁶⁷ "In order to be scandalous or impertinent, 'the allegation must be immaterial and inappropriate to the proof of the cause of action.'"⁶⁸ In pleading, a matter is impertinent when it is "not relevant to the action or defense,"⁶⁹ and it is scandalous when it is "both

campaign finance provisions of the Election Code could be grounds for certification to the Attorney General for a writ of *quo warranto*, whereupon ouster from office could result).

⁶⁷ Pa. R. Civ. P. 1028(a)(2) ("Preliminary objections may be filed by any party to any pleading ... [for] inclusion of scandalous or impertinent matter").

⁶⁸ *Breslin v. Mountain View Nursing Home, Inc.*, 171 A.3d 818, 822 (Pa. Super. 2017) (quoting *Common Cause/Pennsylvania v. Com.*, 710 A.2d 108 (Pa. Commw. 1998)); see also *Biros v. U Lock Inc.*, 255 A.3d 489, 497 (Pa. Super. 2021) (striking as scandalous or impertinent corporate debtor's allegation that creditor acquired funds to lend debtor from illicit gambling where the dispute concerned failure to pay and creditor pled and proved that she paid for the property at issue expecting repayment, while debtor has remained in possession and enjoyment of the property without any apparent ability to make repayment); *Common Cause*, *supra*, 710 A.2d at 115 (striking petitioners' introductory statement that was "an editorialized history of lawmaking in Pennsylvania" and "include[d] allegations regarding the procedures used by the Governor and the legislative leadership in enacting certain other pieces of legislation, not here before [the court]" which "are immaterial to Petitioners' cause of action").

⁶⁹ Black's Law Dictionary (12th ed. 2024), *impertinent matter*.

disgraceful (or defamatory) and irrelevant to an action or defense.”⁷⁰ Our courts have been restrained in striking impertinent matter⁷¹ but do not exercise such restraint with respect to scandalous matter.⁷²

Artley complains that the references in Wertman-Doyle’s complaint to the lawsuit Lauchle filed against the Township are “immaterial, impertinent and prejudicial.”⁷³ The statements are not scandalous.⁷⁴ Based upon the facts presently

⁷⁰ Black’s Law Dictionary (12th ed. 2024), *scandalous matter*.

⁷¹ “[T]here is some authority for the proposition that, even if the pleading of damages was impertinent matter, that matter need not be stricken but may be treated as “mere surplusage” and ignored.... Furthermore, the right of a court to strike impertinent matter should be sparingly exercised and only when a party can affirmatively show prejudice.” *Com., Dep’t of Env’tl Resources v. Hartford Accident & Indem. Co.*, 396 A.2d 885, 888 (Pa. Commw. 1979) (citations omitted).

⁷² The Court explained the rationale for the distinction in treatment between scandalous and impertinent matter in *Goodman’s Estate*, 28 Pa. D. 127 (O.C. Phila. Cnty. 1918):

“[A] statement is impertinent if irrelevant.... Impertinent matter is not necessarily scandalous, but all scandalous matter is impertinent....”

“[S]triking impertinent matter from a declaration is a practice not to be encouraged, because such motions are dilatory in their effect, and also because the rights of the parties can be fully guarded at the trial. If the matter is impertinent, it will not be put in issue by a plea of non-assumpsit, and the danger to which the defendant may consider himself exposed will not arise. Furthermore, an averment which may appear irrelevant at one stage of the proceedings may subsequently be shown at the trial to be relevant, thus necessitating an amendment to the pleadings with the attendant delay....”

“Impertinent matter which is also scandalous is, however, to be considered from a different viewpoint, and that it will be stricken from the record in proper cases is shown by numerous authorities.”

“Scandalous matter has been defined to be ‘unnecessary matter, criminary of the defendant or any other person....’ ‘It consists of an unnecessary allegation bearing cruelly on the moral character of an individual, or stating matter contrary to good manners or unbecoming the dignity of the court to hear;’ but, on the other hand, ‘matter which is relevant can never be scandalous....’ ”

Goodman’s Estate, 28 Pa. D. 127, 127-28 (O.C. Phila. Cnty. 1918).

⁷³ Defendant Denise Artley’s Preliminary Objections and Motion to Strike Pursuant to Pa. R.C.P. 1028, filed December 31, 2025, to docket no. CV 25-01,682, *Preliminary Objection No. 5*.

⁷⁴ Generally, statements made in the course of or pertinent to any stage of judicial proceedings cannot form the basis for defamation, see, e.g., *Pawloski v. Smorto*, 588 A.2d 36, 41 (Pa. Super. 1991), and truthful factual statements made out of court about pending litigation typically do not support a defamation claim either. See, e.g., *Vivian v. Blank Rome, LLP*, 318 A.3d 890 (Pa. Super. 2024).

before the Court, the Court is unable to determine whether it is impertinent—*i.e.*, irrelevant to a pending claim or defense. For example, if Wertman-Doyle is unable to demonstrate that she has standing to pursue this matter, the existence of Lauchle's lawsuit cannot be relevant as there will be no pending claim. On the other hand, if Wertman-Doyle establishes that she does have standing to sue, she may be able to demonstrate relevance.

Because the statements concerning Lauchle's suit against the Township are not scandalous and only potentially impertinent, Artley's preliminary objection to strike these statements is **OVERRULED**.

D. Whether Wertman-Doyle's complaint is insufficiently specific?

Rule 1028(a)(3), Pennsylvania Rules of Civil Procedure, permits a preliminary objection for insufficient specificity in a pleading.⁷⁵ 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."⁷⁶ " 'Material facts' are 'ultimate facts,' *i.e.*, those facts essential to support the claim. Evidence from which such facts may be inferred need not but should not be alleged."⁷⁷ In addition, "[a]verments

⁷⁵ Pa. R. Civ. P. 1028(a)(3) ("Preliminary objections may be filed by any party to any pleading ... [for] insufficient specificity in a pleading").

⁷⁶ Pa. R. Civ. P. 1019(a).

⁷⁷ *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 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

of time, place and items of special damages shall be specifically stated.”⁷⁸ When determining whether a claim has been pleaded with the 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.⁷⁹

Artley complains here that Wertman-Doyle’s complaint “is impermissibly vague and conclusory” and “fails to plead what information was disclosed, when, to whom, whether it was confidential, or how any statute was violated.”⁸⁰ In ruling on the other preliminary objections, the Court has directed Wertman-Doyle to file amended complaints to establish her standing to bring this action and to demonstrate how Artley’s and Lauchle’s alleged acts and omissions would support their removal from office via the instant litigation. In so doing, she will necessarily have to allege additional material facts. To comply with Rule 1019(a), she must state the facts that are essential to her claim and that are necessary to inform the defendants of the claims against them and to enable them to prepare defenses. Thus, she will necessarily plead her claims with more specificity.

For the reasons explained above, Artley’s objection that Wertman-Doyle’s complaint is insufficiently specific is SUSTAINED as explained above, with leave to amend.

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).

⁷⁸ Pa. R. Civ. P. 1019(f).

⁷⁹ *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*, 38 U.S. 131, 103, (1957) (statement made in reference to Fed. R. Civ. P. 8(a)).

⁸⁰ Defendant Denise Artley’s Preliminary Objections and Motion to Strike Pursuant to Pa. R.C.P. 1028, filed December 31, 2025, to docket no. CV 25-01,682, *Preliminary Objection No. 3*.

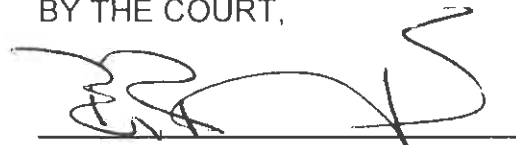
III. CONCLUSION AND ORDER.

For the reasons explained above, it is ORDERED and DIRECTED as follows:

1. Leave of Court is GRANTED to Plaintiff Lauchle to dismiss her case filed to docket no. CV 25-01,576.
2. Consequently, the preliminary objections filed by the Defendants to Lauchle's complaint at docket no. CV 25-01,576 are DISMISSED as moot.
3. Wertman-Doyle's motion for extension of time to respond to Artley's preliminary objections to the complaint filed to docket no. CV 25-01,682 is DENIED.
4. Wertman-Doyle's motion to quash Artley's preliminary objections to the complaint filed to docket no. CV 25-01,682 is DENIED.
5. Artley's preliminary objections to Wertman-Doyle's complaint are SUSTAINED in part and OVERRULED in part, as explained above. Wertman-Doyle is DIRECTED to file an amended complaint to docket no. CV 25-01,682 within **twenty (20) days** after entry of this Order.
6. Lauchle's preliminary objections to Wertman-Doyle's complaint filed to docket no. CV 25-01,683 are DISMISSED as moot; however, for reasons explained above, Wertman-Doyle is DIRECTED to file a second amended complaint to docket no. CV 25-01,683 within **twenty (20) days** after entry of this Order.

IT IS SO ORDERED.

BY THE COURT,


Eric R. Linhardt, President Judge

ERL/bel

cc: Terri Lauchle, 2388 Quaker Church Road, Pennsdale, PA 17756
Zachary M. DuGan, Esq., Perciballi & Williams, LLC
Melissa Wertman Doyle, 728 Auchmuty Road, Pennsdale, PA 17756
Denise Artley, 469 Elis Artley Road, Pennsdale, PA 17756
Muncy Twp. Board of Supervisors, 1922 Pond Road, Pennsdale, PA 17756
Court Administration/Court Scheduling