

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

JAMES HARRIS and OLIVIA HARRIS,	:	
Plaintiffs	:	NO. CV-21-0148
	:	
vs.	:	
	:	
LORETTA KRINER, TERESA SHULER,	:	
and SARAH KRINER,	:	CIVIL ACTION –
Defendants	:	Preliminary Objections

OPINION AND ORDER

This action, couched in theories of promissory estoppel and unjust enrichment, was initiated by Complaint filed on February 23, 2021. An Amended Complaint was filed June 10, 2021. The facts as set forth in the Complaint are summarized as follows:

From September 2017 through March 2018, with Defendant, Loretta Kriner’s [hereinafter “Kriner”] consent, Plaintiffs used the proceeds from the sale of their home to build an addition to Kriner’s home to be used as their living quarters. In April 2020, without Plaintiffs’ knowledge, Kriner deeded her home to Defendants, Teresa Shuler and Sarah Kriner, in consideration of \$1.00. Defendant Shuler ordered the Plaintiffs to vacate the premises in September of 2020, which they did the following month. Plaintiffs now allege that the sale of their home and the building of the addition to Kriner’s home were done on the reliance of Kriner’s promise that she would deed the home to Plaintiffs.

On December 3, 2021, Plaintiffs filed a Motion for Sanctions Pursuant to Pa.R.C.P. 4019 and for Failure to Provide Answers to Interrogatories and Request for Production of Documents and Request for an Exam of the Premises by an Appraiser. Argument was held on January 13, 2022 at which time Counsel for Defendants indicated that answers and responses to Plaintiffs’ discovery

requests were submitted on January 7, 2022, along with attached documentation. Additionally, Counsel for Defendants agreed that he will select one of three dates provided by Counsel for Plaintiffs for an appraisal of the property to occur.

Although Defendants have now provided written discovery responses, they have objected to a number of the requests on the basis of relevancy, and Counsel for Plaintiffs asserts that the objections are improper. Counsel for Defendants also asserts that Defendants' discovery requests have likewise gone unanswered. In order to avoid the need for additional discovery motions, the Court will review Defendants' discovery responses now to determine whether their responses and objections are appropriate.

Generally speaking, "a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter." Pa.R.C.P. 4003.1(a). A party may not object on the basis of inadmissibility if the information sought appears "reasonably calculated to lead to the discovery of admissible evidence." Pa.R.C.P. 4003.1(b). However, a party may if discovery, among other things, "would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent or any person or party" or "would require the making of an unreasonable

investigation by the deponent or any party or witness.” Pa.R.C.P. 4011(b) and (e).

In Interrogatories 1 and 2, Plaintiffs seek, among other things, the source of income, education, and occupation of each Defendant to which Defendants object. This information is relevant to this matter and easily accessible to Defendants and therefore, the objection is overruled.

Interrogatory 4 seeks the names, address, and phone numbers of every “witness or person who has any knowledge of the facts in the Amended Complaint and their proposed testimony.” Defendants fail to identify any person by name and simply respond with, “[a]ll parties identified in the discovery responses of both the Defendants and the Plaintiffs in this matter.” Defendants are required to list by name, address, and phone number, the people known to them who have knowledge of the facts of this case. Defendants’ response is insufficient.

Interrogatories 14, 15, and 16 request that Defendants identify all assets and liabilities of Loretta Kriner, Teresa Shuler, and Sarah Kriner, respectively, as of April 29, 2020, which is the date that Loretta Kriner is alleged to have deeded the property to the other Defendants. Defendants object on the basis of relevancy. As to Loretta Kriner, this information is relevant as it relates to potential fraud. As to Teresa Shuler and Sarah Kriner, any information regarding assets transferred to them specifically by Loretta Kriner is relevant for the same reason. Any information outside of assets transferred by Loretta Kriner, however, is irrelevant at this time.

Interrogatory 21 asks whether each Defendant has the financial means to reimburse Plaintiffs for the amount allegedly spent to build the addition on Loretta Kriner's home. This request is premature and does not bear on the issue of liability. Defendants' objections as to relevancy is sustained.

Interrogatory 24 seeks a copy of all Wills of Loretta Kriner from 2015 to the present. Defendants object as to relevancy and state that Ms. Kriner's Will is "private information and subject to change at any moment." Defendant's Will is relevant to this matter and therefore, this objection is overruled.

In the following Interrogatories, Defendants completely and directly answered the questions that were asked. The extent of any objections to requests that were later answered notwithstanding the objection were based on attorney-client privilege which is an acceptable and reasonable objection. Interrogatories 3; 5 through 13; 17 through 20; 22 to 23; 25 through 31.

In addition to Interrogatories, Plaintiffs also served ten (10) Requests for Production of Documents. Following their responses to the Interrogatories, Defendants simply provide a list of documents attached to their responses. This is insufficient. Pursuant to the Rules of Civil Procedure, Defendants are required to separately respond to each request and identify the documents responsive to that request or alternatively, state that no documents exist or that Defendants are not in possession of them. See Pa.R.C.P. 4009.12(b) ("The answer shall be in the form of a paragraph-by-paragraph response . . .").

ORDER

AND NOW, this 18th day of **January, 2022**, upon consideration of Plaintiffs' Motion for Sanctions, as well as the arguments set forth regarding the relevancy of the discovery request, the Court hereby enters the following Order:

1. With regard to Interrogatories 1, 2, 14, 15, 16, and 24 Defendants' objections are overruled to the extent set forth above. Defendants shall provide supplemental responses within twenty (20) days of the date of this Order;
2. With regard to Interrogatory 4, Defendants' response is insufficient and they shall provide a supplemental response within twenty (20) days of the date of this Order;
3. Within twenty (20) days of the date of this Order, Defendants shall provide separate responses to Plaintiffs' Request for Production of Documents, identifying the documents that correspond to each request or stating that the documents requested do not exist or that Defendants are not in possession of them;
4. Based upon the parties' agreement regarding the appraisal of the property, Plaintiffs shall provide three (3) dates that their appraiser is available. Within seven (7) days thereafter, Defendants shall choose one of the dates and the appraisal will occur on that selected date;
5. Plaintiffs shall respond to Defendants' discovery requests within twenty (20) days of the date of this Order; and
6. No additional sanctions will be Ordered against Defendants.

BY THE COURT,

Hon. Ryan M. Tira, Judge

RMT/ads

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