

02-1723-CD
LINDA I. MOORE, etal, vs. ALLSTATE INSURANCE CO.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife,
Plaintiffs

vs.

No. 02 - 1723 C.D.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM,
Defendants

PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Please enter our appearance on behalf of Plaintiffs, LINDA L. MOORE and SCOTT J. MOORE, and issue a Writ of Summons in the above-captioned action against Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, STATE PUBLIC ADJUSTING COMPANY, and GREGORY R. BOEHM.

FILED

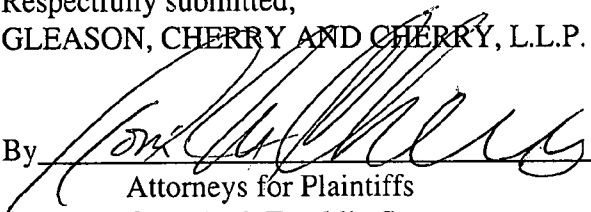
NOV 04 2002

William A. Shaw
Prothonotary

Date: November 4, 2002

Respectfully submitted,
GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Plaintiffs
One North Franklin Street
P. O. Box 505
DuBois, PA 15801
Supreme Court No.: 30205

FILED

Atty Cheryl D.

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NOV 04 2002

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Atty
J

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

COPY

SUMMONS

Linda L. Moore and
Scott J. Moore, husband and wife

Vs.

NO.: 2002-01723-CD

Allstate Insurance Company,
Allstate Insurance Company Special Investigations Unit,
State Public Adjusting Company, and
Gregory R. Boehm

TO: ALLSTATE INSURANCE COMPANY
ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT
STATE PUBLIC ADJUSTING COMPANY
GREGORY R. BOEHM

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 11/04/2002

William A. Shaw
Prothonotary

Issuing Attorney:

Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE, :
husband and wife, :

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
PRAECIPE FOR APPEARANCE

Filed on behalf of Defendant:
GREGORY R. BOEHM

Counsel of Record:

John L. McIntyre, Esquire
PA I.D. #28015
McINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 21st DAY OF NOVEMBER, 2002.


Attorneys for Named Defendant

FILED

NOV 25 2002

m/3:30/wn
William A. Shaw
Prothonotary/Clerk of Courts
WU CLKR



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE, : No. 2002 – 1723 CD
husband and wife, :

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my appearance as counsel of record for the Defendant, GREGORY
R. BOEHM, in the above-captioned action.

McINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendant,
GREGORY R. BOEHM

John L. McIntyre, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE,
husband and wife,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
PRAECIPE FOR RULE TO FILE
COMPLAINT

Filed on behalf of Defendant:
GREGORY R. BOEHM

Counsel of Record:

John L. McIntyre, Esquire
PA I.D. #28015
McINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 21ST DAY OF NOVEMBER, 2002.


Attorneys for Named Defendant

FILED

NOV 25 2002

m/3:30pm
William A. Shaw
Prothonotary/Clerk of Courts
No chg.
Rule to Att'y

[Handwritten initials]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE, : No. 2002 – 1723 CD
husband and wife, :

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

JURY TRIAL DEMANDED

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: PROTHONOTARY:

Please enter a Rule upon Plaintiffs, **LINDA L. MOORE and SCOTT J. MOORE, husband and wife**, to file a Complaint in the above-captioned action within twenty (20) days of the date of service of said Rule.

McINTYRE, DUGAS, HARTYE &
SCHMITT

By


Attorneys for Defendant,
GREGORY R. BOEHM

John L. McIntyre, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE, : No. 2002 – 1723 CD
husband and wife, :

Plaintiffs :

vs. :

ALLSTATE INSURANCE COMPANY, :
ALLSTATE INSURANCE COMPANY :
SPECIAL INVESTIGATION UNIT, :
STATE PUBLIC ADJUSTING COMPANY, :
and GREGORY R. BOEHM, :

Defendants :

JURY TRIAL DEMANDED

RULE TO FILE COMPLAINT

AND NOW, this 25 day of November, 2002, Rule is entered on the
Plaintiffs to file a Complaint.



By Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE,
husband and wife,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
CERTIFICATE OF SERVICE OF
RULE TO FILE COMPLAINT

Filed on behalf of Defendants:
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
and GREGORY R. BOEHM

Counsel of Record:

John L. McIntyre, Esquire
PA I.D. #28015
McINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 26th DAY OF NOVEMBER, 2002.


Attorneys for Named Defendants

FILED

DEC 02 2002

William A. Shaw
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

LINDA L. MOORE and SCOTT J. MOORE, husband and wife,	:	No. 2002 – 1723 CD
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
ALLSTATE INSURANCE COMPANY,	:	
ALLSTATE INSURANCE COMPANY	:	
SPECIAL INVESTIGATION UNIT,	:	
STATE PUBLIC ADJUSTING COMPANY,	:	
and GREGORY R. BOEHM,	:	
	:	
Defendants	:	JURY TRIAL DEMANDED

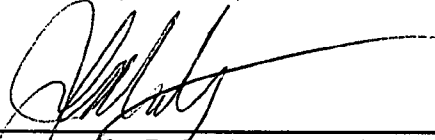
CERTIFICATE OF SERVICE OF RULE TO FILE COMPLAINT

TO: PROTHONOTARY

You are hereby notified that on the 26th day of **NOVEMBER, 2002**, Defendants,
ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL
INVESTIGATION UNIT, and GREGORY R. BOEHM, served a RULE upon the Plaintiffs,
by mailing the original of same via First Class Mail, postage prepaid, addressed to the
Plaintiffs' counsel:

Toni M. Cherry, Esquire
P.O. Box 505
Dubois, PA 15801

McINTYRE, DUGAS, HARTYE & SCHMITT

A handwritten signature in black ink, appearing to read 'John L. McIntyre', is written over a horizontal line.

Attorneys for Defendants, ALLSTATE
INSURANCE COMPANY, ALLSTATE
INSURANCE SPECIAL INVESTIGATION
UNIT and GREGORY R. BOEHM

John L. McIntyre, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

William A. Shaw
Prothonotary

DEC 02 2002

NOV 18 2002

FILED

nb

cc

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RECEIVED
NOV 18 2002
PROTHONOTARY
WILLIAM A. SHAW

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM,
Defendants

: No. 02 - 1723 C.D.

:
: Type of Case: TORT - MALICIOUS
: PROSECUTION

:
: Type of Pleading: COMPLAINT

:
: Filed on Behalf of: LINDA L. MOORE and
: SCOTT J. MOORE, husband and wife,
: Plaintiffs

:
: Counsel of Record for These Parties:

:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205

:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801

:
: (814) 371-5800

FILED

DEC 19 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife,

Plaintiffs

vs.

No. 02 - 1723 C.D.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM,

Defendants

NOTICE

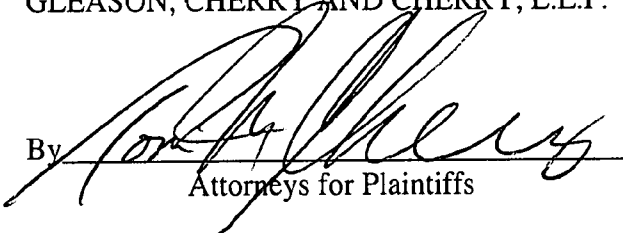
You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Notice and Complaint are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 50-51)

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.	:
MOORE, husband and wife,	:
Plaintiffs	:
	:
vs.	: No. 02 - 1723 C.D.
	:
ALLSTATE INSURANCE COMPANY,	:
ALLSTATE INSURANCE COMPANY	:
SPECIAL INVESTIGATIONS UNIT,	:
STATE PUBLIC ADJUSTING	:
COMPANY, and GREGORY R. BOEHM,	:
Defendants	:

COMPLAINT

AND NOW, come LINDA L. MOORE and SCOTT J. MOORE, by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this action against ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, Defendants, to recover damages upon causes of action whereof the following are statements:

COUNT I

LINDA L. MOORE, Wife Plaintiff vs. Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, and GREGORY R. BOEHM

1. Plaintiffs, LINDA L. MOORE and SCOTT J. MOORE, are adult individuals and are wife and husband, and reside with each other at 420 North Fourth Street, DuBois, Clearfield County, Pennsylvania 15801.

2. The Defendant, ALLSTATE INSURANCE COMPANY, is an Illinois Corporation authorized to do business in Pennsylvania and having a business address in Pennsylvania c/o

C.T. Corporation System, 1515 Market Street, Suite 1210, Philadelphia, Pennsylvania 19102.

Said Defendant is engaged in the business of providing insurance and in paying claims for damages caused by its insured customers.

3. Defendant, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, is a division of Defendant, ALLSTATE INSURANCE COMPANY, that Plaintiffs believe and therefore aver maintains a business address in Fort Washington, Pennsylvania, or at some other corporate location of Defendant, ALLSTATE INSURANCE COMPANY, within the Commonwealth of Pennsylvania.

4. Defendant, GREGORY R. BOEHM, is an individual whose residence address is believed to be 1059 Kings Cote Drive, Franconia, Pennsylvania 18924, who was at all times material hereto, an agent and employee of Defendant, ALLSTATE INSURANCE COMPANY, through Defendant, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT.

5. That Plaintiffs named STATE PUBLIC ADJUSTING COMPANY as a Defendant in this lawsuit, believing said company to be a division of Defendant, ALLSTATE INSURANCE COMPANY, involved in the settlement of claims for ALLSTATE INSURANCE COMPANY. However, Plaintiffs have now ascertained, after further investigation, that STATE PUBLIC ADJUSTING COMPANY is not a division of ALLSTATE INSURANCE COMPANY and was incorrectly named as a Defendant in this lawsuit. Plaintiffs intend to take the steps necessary to effect a discontinuance of this action with regard to STATE PUBLIC ADJUSTING COMPANY in accordance with the provisions of Pa.R.C.P. 229.

6. That Plaintiff Wife, LINDA L. MOORE, and passengers riding in her vehicle were injured when a vehicle operated by an insured of the Defendants failed to notice that the Moore vehicle was lawfully stopped at a stop light in time to avoid colliding with the same and did smash into the rear of the Moore vehicle with such force that it forced the bumper of the Moore vehicle up over the hatch so that the hatchback could not open, bent the tailpipe and shattered glass from the taillight on the roadway and caused portions of the luggage carrier to be knocked loose and snapped off from the vehicle.

7. The collision was so severe that the vehicle driven by Defendants' insured could not be driven from the scene of the accident which occurred in or about Reading, Pennsylvania.

8. That as a result of the foregoing accident, Plaintiff, LINDA L. MOORE, did request Defendants to pay the damages to her vehicle caused by their insured for which the said LINDA L. MOORE was not responsible because her vehicle was lawfully stopped at a stop light at the time of the collision.

9. That instead of paying for the damages caused by its insured as it was Defendants' obligation to do, Defendants, ALLSTATE INSURANCE COMPANY and ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, acting through their duly authorized officers, agents or employees, including Defendant, GREGORY R. BOEHM, procured and caused the arrest of Plaintiff, LINDA L. MOORE, on or about May 7, 1998, in DuBois, Clearfield County, Pennsylvania, upon a warrant charging her with felony insurance fraud under 18 Pa. C.S.A. §4117(a)(2).

10. That after further investigation, it became obvious that there was no probable cause to have supported the charges Defendants caused to be brought against Wife Plaintiff, LINDA L. MOORE.

11. That as part of an Omnibus Pre-Trial Motion seeking to have the Court quash the information and/or for a Writ of Habeas Corpus and to dismiss the proceedings, Wife Plaintiff provided the Court with a copy of the transcript taken before the District Justice as well as the affidavits of witnesses and the Trial Court subsequently granted the Motion and dismissed all criminal charges against Wife Plaintiff, LINDA L. MOORE, by Order filed November 6, 2000. A true and correct copy of the Order of Court dismissing said charges is attached hereto and made a part hereof as Exhibit "A".

12. That Defendants knew that they had no probable cause to have Wife Plaintiff charged with the crime of felony insurance fraud but caused said charges to be brought against Wife Plaintiff to keep Wife Plaintiff from making a just claim for compensation for the injuries and damages she had sustained against Defendant, ALLSTATE INSURANCE COMPANY.

13. Wife Plaintiff is and always has been a good, true, honest, virtuous and law-abiding citizen earning the respect of her neighbors and business associates.

14. Plaintiff has not at any time been guilty of the crime of insurance fraud and was never suspected of being guilty of any crime prior to the events described herein.

15. The arrest, detention and prosecution of Wife Plaintiff was unlawful and without just reasonable cause of any kind, and the acts of Defendants in charging Wife Plaintiff with insurance fraud were willful and malicious.

16. That the charges against Wife Plaintiff were published in the local newspaper so that all of her friends, neighbors and business associates could read that she had been charged with the above-mentioned crime.

17. That as a result of the publication of the charges brought against her, Wife Plaintiff was questioned by numerous individuals who had read about her and she was forced to explain

herself and to try to defend herself from this wrongful charge to her friends, neighbors and business associates.

18. As a result of the above, Wife Plaintiff has been brought into the direct and ill repute among her friends, neighbors and business associates and has been subject to such great humiliation that she was forced to leave the area for a time and to take up residence elsewhere.

19. As a result of the above, Wife Plaintiff has undergone great suffering of mind and body and her reputation in the community has been greatly injured and damaged.

20. As a result of having to defend the unjust criminal charge against her, Wife Plaintiff has been put to great expense in the employment of counsel and has been prevented from attending to her usual and necessary duties and has thereby suffered great and irreparable financial loss in her business and occupation.

21. Wife Plaintiff's injuries and damages were caused solely by the unlawful and malicious acts of Defendants.

22. By reason of the malicious, wanton and willful conduct of Defendants, Plaintiff demands punitive damages.

WHEREFORE, Plaintiff demands damages in a sum in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), exclusive of interest and costs.

COUNT II

SCOTT J. MOORE, Husband Plaintiff vs. Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, and GREGORY R. BOEHM

23. Plaintiff, SCOTT J. MOORE, incorporates herein by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

24. As a result of Defendants' malicious, wanton, willful and unlawful conduct, Plaintiff, SCOTT J. MOORE, has been deprived of the society, companionship, contributions and consortium of his wife, Plaintiff, LINDA L. MOORE, to his great detriment and loss.

25. As a result of Defendants' malicious, wanton, willful and unlawful conduct, Plaintiff, SCOTT J. MOORE, has incurred and may in the future incur large medical bills and expenses to treat his wife's injuries.

26. As a result of Defendants' malicious, wanton, willful and unlawful conduct, Plaintiff, SCOTT J. MOORE, has suffered a disruption in his daily habits and pursuits and a loss of enjoyment of life and great embarrassment.

WHEREFORE, Plaintiff, SCOTT J. MOORE, demands judgment against Defendants in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), exclusive of interest and costs.

JURY TRIAL DEMANDED.

Respectfully submitted,


GLEASON, CHERRY AND CHERRY, L.L.P.

By: 

Attorneys for Plaintiffs

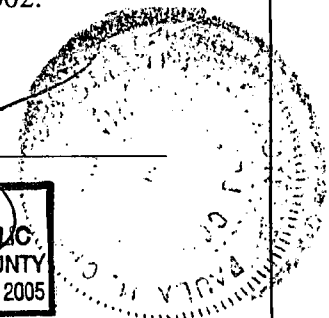
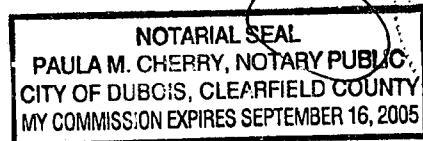
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State aforesaid, LINDA L. MOORE, who, being duly sworn according to law, deposes and says that she is one of the Plaintiffs in the foregoing action and that she is authorized to make this Affidavit on behalf of both Plaintiffs and asserts that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.


Linda L. Moore

Sworn to and subscribed before me this 19 day of December, 2002.





T. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA:

-vs-

: No. 98 – 515 – CRA

LINDA L. MOORE

:

OPINION AND ORDER

This matter comes before the court on an Omnibus Pre-Trial Motion filed on behalf of Defendant above-named. Trial in the matter is scheduled to commence on Tuesday, November 7, 2000. The Information alleges the offense of Insurance Fraud, specifically 18 Pa. C.S.A. 4117(a)(2). In the Omnibus Pre-Trial Motion, Defendant seeks to have this Court quash the Information and/or for a Writ of Habeas Corpus and second, to dismiss the proceedings based on the de minimis nature of the case. In support of her Motion to Quash, Defendant has presented to this Court a transcript of the testimony taken before the District Justice at the Preliminary Hearing. The Court has read and examined the transcript and mindful of the requirement that it be read in a light most favorable to the Commonwealth, does hereby deny Defendant's Motion to Quash. Clearly the testimony and evidence presented by the Commonwealth is extremely weak and the subsequent submissions by the Defendant make it highly unlikely that a conviction would ensue. Nevertheless, this Court is of the opinion that there is a sufficient question of fact to require the matter be submitted to a jury for determination.

However, this Court is satisfied that under 18 Pa. C.S.A. §312 the prosecution must be dismissed as de minimis. Under (a)(1) of said statute, this Court finds that the

EXHIBIT "A"

Defendant's conduct was within a customary license or tolerance, neither expressly negative by the person whose interest was infringed nor inconsistent with the law defining the offense.

In addition, under (2) of said act, the conduct of the Defendant did not actually cause or threaten the harm sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction.

This Court further notes that in this case no harm was done to any victim or to society and therefore, as set forth in Commonwealth v. Moses, 504 A.2d 330, 350 Pa. Super. 231 (1986) and Scurfield Coal Inc. v. Commonwealth, 582 A.2d 694, 136 Pa. Commonwealth 1 (1990) this Court finds that the above prosecution must be dismissed as a de minimis infraction and therefore enters the following:

ORDER

NOW, this 3rd day of November, 2000, following argument into Defendant's Omnibus Pre-Trial Motion, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that the above-captioned prosecution shall be and is hereby dismissed as a de minimis infraction.

By the Court,

/s/ John K. Reilly, Jr.

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

NOV 06 2000

Attest

William L. [Signature]
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife,

Plaintiffs

vs.

No. 02 - 1723 C.D.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
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Defendants

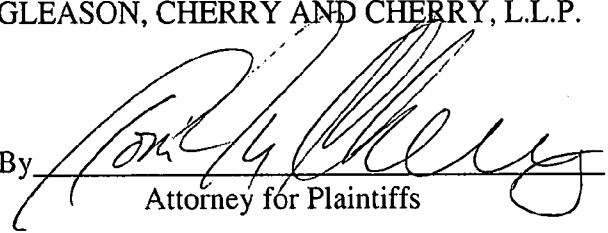
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2002, a true and correct copy of the Complaint filed on behalf of Plaintiffs was sent to JOHN L. McINTYRE, ESQ., by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

JOHN L. McINTYRE, ESQ.
McIntyre, Dugas, Hartye & Schmitt
Attorneys at Law
P. O. Box 533
Hollidaysburg, PA 16648-0533

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorney for Plaintiffs

Dated: December 19, 2002

FILED
3 CC

OK
01/31/15
DEC 18 2002

Atty. Gen. Cherry

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM,
Defendants

: No. 02 - 1723 C.D.

:
: Type of Case: TORT - MALICIOUS
: PROSECUTION

:
: Type of Pleading: AMENDED COMPLAINT

:
: Filed on Behalf of: LINDA L. MOORE and
: SCOTT J. MOORE, husband and wife,
: Plaintiffs

:
: Counsel of Record for These Parties:

:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205

:
: GLEASON, CHERRY AND
: CHERRY, L.L.P.

: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801

:
: (814) 371-5800

FILED

APR 17 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife,

Plaintiffs

vs.

No. 02 - 1723 C.D.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM,

Defendants

NOTICE

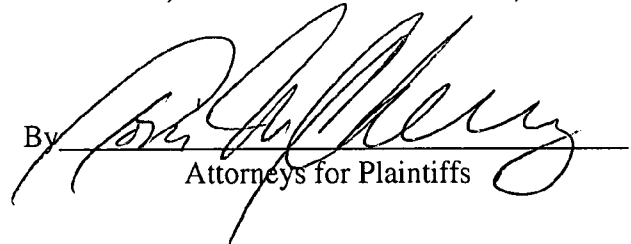
You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Notice and Amended Complaint are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Amended Complaint or for any claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Office of the Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 (Ext. 50-51)

GLEASON, CHERRY AND CHERRY, L.L.P.

By



Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.	:	
MOORE, husband and wife,	:	
Plaintiffs	:	
	:	
vs.	:	No. 02 - 1723 C.D.
	:	
ALLSTATE INSURANCE COMPANY,	:	
ALLSTATE INSURANCE COMPANY	:	
SPECIAL INVESTIGATIONS UNIT,	:	
STATE PUBLIC ADJUSTING	:	
COMPANY, and GREGORY R. BOEHM,	:	
Defendants	:	

AMENDED COMPLAINT

AND NOW, come LINDA L. MOORE and SCOTT J. MOORE, by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and bring this action against ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, Defendants, to recover damages upon causes of action whereof the following are statements:

COUNT I

LINDA L. MOORE, Wife Plaintiff vs. Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, and GREGORY R. BOEHM

1. Plaintiffs, LINDA L. MOORE and SCOTT J. MOORE, are adult individuals and are wife and husband, and reside with each other at 420 North Fourth Street, DuBois, Clearfield County, Pennsylvania 15801.

2. The Defendant, ALLSTATE INSURANCE COMPANY, is an Illinois Corporation authorized to do business in Pennsylvania and having a business address in Pennsylvania c/o

C.T. Corporation System, 1515 Market Street, Suite 1210, Philadelphia, Pennsylvania 19102. Said Defendant is engaged in the business of providing insurance and in paying claims for damages caused by its insured customers.

3. Defendant, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, is a division of Defendant, ALLSTATE INSURANCE COMPANY, that Plaintiffs believe and therefore aver maintains a business address in Fort Washington, Pennsylvania, or at some other corporate location of Defendant, ALLSTATE INSURANCE COMPANY, within the Commonwealth of Pennsylvania.

4. Defendant, GREGORY R. BOEHM, is an individual whose residence address is believed to be 1059 Kings Cote Drive, Franconia, Pennsylvania 18924.

5. At all times relevant hereto, Defendant, GREGORY R. BOEHM, was the authorized representative, agent, or employee of Defendant, ALLSTATE INSURANCE COMPANY, through Defendant, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, and acted within the scope and authority of his representation, agency, or employment by Defendants.

6. That Plaintiffs named STATE PUBLIC ADJUSTING COMPANY as a Defendant in this lawsuit, believing said company to be a division of Defendant, ALLSTATE INSURANCE COMPANY, involved in the settlement of claims for ALLSTATE INSURANCE COMPANY. However, Plaintiffs have now ascertained, after further investigation, that STATE PUBLIC ADJUSTING COMPANY is not a division of ALLSTATE INSURANCE COMPANY and was incorrectly named as a Defendant in this lawsuit. Plaintiffs intend to take the steps necessary to effect a discontinuance of this action with regard to STATE PUBLIC ADJUSTING COMPANY in accordance with the provisions of Pa.R.C.P. 229.

7. That on the afternoon of Thursday, July 11, 1996, Plaintiff Wife, LINDA L. MOORE, and passengers riding in her vehicle were injured when a vehicle operated by an insured of the Defendants failed to notice that the Moore vehicle was lawfully stopped at a stop light in time to avoid colliding with the same and did smash into the rear of the Moore vehicle with such force that it forced the bumper of the Moore vehicle up over the hatch so that the hatchback could not open, bent the tailpipe and shattered glass from the taillight on the roadway and caused portions of the luggage carrier to be knocked loose and snapped off from the vehicle.

8. The collision was so severe that the vehicle driven by Defendants' insured could not be driven from the scene of the accident which occurred in the center, left-turn lane as Plaintiff, LINDA L. MOORE, was waiting to turn into the Mall at Reading, Pennsylvania.

9. That as a result of the foregoing accident, Plaintiff, LINDA L. MOORE, did request Defendants to pay the damages to her vehicle caused by their insured for which the said LINDA L. MOORE was not responsible because her vehicle was lawfully stopped at a stop light at the time of the collision.

10. That instead of paying for the damages caused by its insured as it was Defendants' obligation to do, Defendants, ALLSTATE INSURANCE COMPANY and ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, acting through their duly authorized officers, agents or employees, including Defendant, GREGORY R. BOEHM, procured and caused the arrest of Plaintiff, LINDA L. MOORE, on or about May 7, 1998, in DuBois, Clearfield County, Pennsylvania, upon a warrant charging her with felony insurance fraud under 18 Pa. C.S.A. §4117(a)(2).

11. That Defendants failed to conduct a comprehensive investigation before accusing Plaintiff, LINDA L. MOORE, of committing insurance fraud.

12. That Defendants did not have a reasonable basis to believe that Plaintiff, LINDA L. MOORE, had committed insurance fraud and did not provide information to the Commonwealth of Pennsylvania in good faith.

13. That Defendants' actions in advising the Commonwealth of Pennsylvania that Plaintiff, LINDA L. MOORE, had committed acts constituting insurance fraud were made with malice because Defendants had information available to them to prove that the damages done to the Moore vehicle were caused solely by the accident of July 11, 1996, as a result of the actions of Defendants' insurer and Defendants knew that they were liable for payment of said damages.

14. That Plaintiffs believe and therefore aver that Defendants delivered information they knew or should have known to be false and/or incomplete to the Commonwealth of Pennsylvania to avoid paying the monies Defendants owed to Plaintiffs as a result of the damages done to the vehicle that Wife Plaintiff was driving on July 11, 1996.

15. That had there been a full and comprehensive investigation on the part of Defendants, there would have been no information that would have warranted Defendants accusing Wife Plaintiff, LINDA L. MOORE, and no probable cause to have supported the charges Defendants caused to be brought against her.

16. That as part of an Omnibus Pre-Trial Motion seeking to have the Court quash the information and/or for a Writ of Habeas Corpus and to dismiss the proceedings, Wife Plaintiff provided the Court with a copy of the transcript taken before the District Justice as well as the affidavits of witnesses and the Trial Court subsequently granted the Motion and dismissed all

criminal charges against Wife Plaintiff, LINDA L. MOORE, by Order filed November 6, 2000. A true and correct copy of the Order of Court dismissing said charges is attached hereto and made a part hereof as Exhibit "A".

17. That Defendants knew that they had no probable cause to have Wife Plaintiff charged with the crime of felony insurance fraud but caused said charges to be brought against Wife Plaintiff to keep Wife Plaintiff from making a just claim for compensation for the injuries and damages she had sustained against Defendant, ALLSTATE INSURANCE COMPANY.

18. Wife Plaintiff is and always has been a good, true, honest, virtuous and law-abiding citizen earning the respect of her neighbors and business associates.

19. Plaintiff has not at any time been guilty of the crime of insurance fraud and was never suspected of being guilty of any crime prior to the events described herein.

20. The arrest, detention and prosecution of Wife Plaintiff was unlawful and without just reasonable cause of any kind, and the acts of Defendants in charging Wife Plaintiff with insurance fraud were willful and malicious.

21. That the charges against Wife Plaintiff were published in the local newspaper so that all of her friends, neighbors and business associates could read that she had been charged with the above-mentioned crime.

22. That as a result of the publication of the charges brought against her, Wife Plaintiff was questioned by numerous individuals who had read about her and she was forced to explain herself and to try to defend herself from this wrongful charge to her friends, neighbors and business associates.

23. As a result of the above, Wife Plaintiff has been brought into the direct and ill repute among her friends, neighbors and business associates and has been subject to such great humiliation that she was forced to leave the area for a time and to take up residence elsewhere.

24. As a result of the above, Wife Plaintiff has undergone great suffering of mind and body and her reputation in the community has been greatly injured and damaged.

25. As a result of having to defend the unjust criminal charge against her, Wife Plaintiff has been put to great expense in the employment of counsel and has been prevented from attending to her usual and necessary duties and has thereby suffered great and irreparable financial loss in her business and occupation.

26. Wife Plaintiff's injuries and damages were caused solely by the unlawful and malicious acts of Defendants in providing information to law enforcement officers that they knew to be incomplete and false.

27. By reason of the malicious, wanton and willful conduct of Defendants, Plaintiff demands punitive damages.

WHEREFORE, Plaintiff demands damages in a sum in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), exclusive of interest and costs.

COUNT II

SCOTT J. MOORE, Husband Plaintiff vs. Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, and GREGORY R. BOEHM

28. Plaintiff, SCOTT J. MOORE, incorporates herein by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

29. As a result of Defendants' malicious, wanton, willful and unlawful conduct, Plaintiff, SCOTT J. MOORE, has been deprived of the society, companionship, contributions and consortium of his wife, Plaintiff, LINDA L. MOORE, to his great detriment and loss.

30. As a result of Defendants' malicious, wanton, willful and unlawful conduct, Plaintiff, SCOTT J. MOORE, has incurred and may in the future incur large medical bills and expenses to treat his wife's injuries.

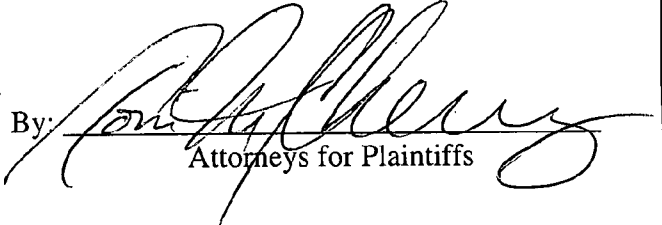
31. As a result of Defendants' malicious, wanton, willful and unlawful conduct, Plaintiff, SCOTT J. MOORE, has suffered a disruption in his daily habits and pursuits and a loss of enjoyment of life and great embarrassment.

WHEREFORE, Plaintiff, SCOTT J. MOORE, demands judgment against Defendants in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), exclusive of interest and costs.

JURY TRIAL DEMANDED.


Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

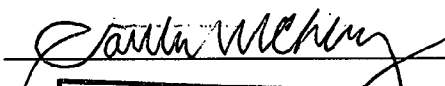
By: 
Attorneys for Plaintiffs

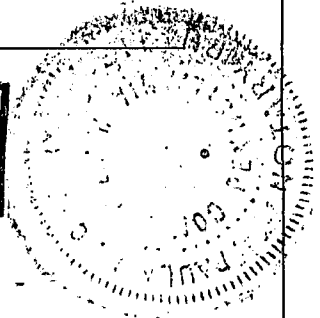
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for the County and State
aforesaid, LINDA L. MOORE, who, being duly sworn according to law, deposes and says that
she is one of the Plaintiffs in the foregoing action and that she is authorized to make this
Affidavit on behalf of both Plaintiffs and asserts that the facts set forth in the foregoing
Amended Complaint are true and correct to the best of her knowledge, information and belief.


Linda L. Moore

Sworn to and subscribed before me this 17th day of April, 2003.


NOTARIAL SEAL
PAULA M. CHERRY, NOTARY PUBLIC
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES SEPTEMBER 16, 2005



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA:

-vs-

: No. 98 - 515 - CRA

LINDA L. MOORE

OPINION AND ORDER

This matter comes before the court on an Omnibus Pre-Trial Motion filed on behalf of Defendant above-named. Trial in the matter is scheduled to commence on Tuesday, November 7, 2000. The Information alleges the offense of Insurance Fraud, specifically 18 Pa. C.S.A. 4117(a)(2). In the Omnibus Pre-Trial Motion, Defendant seeks to have this Court quash the Information and/or for a Writ of Habeas Corpus and second, to dismiss the proceedings based on the de minimis nature of the case. In support of her Motion to Quash, Defendant has presented to this Court a transcript of the testimony taken before the District Justice at the Preliminary Hearing. The Court has read and examined the transcript and mindful of the requirement that it be read in a light most favorable to the Commonwealth, does hereby deny Defendant's Motion to Quash. Clearly the testimony and evidence presented by the Commonwealth is extremely weak and the subsequent submissions by the Defendant make it highly unlikely that a conviction would ensue. Nevertheless, this Court is of the opinion that there is a sufficient question of fact to require the matter be submitted to a jury for determination.

However, this Court is satisfied that under 18 Pa. C.S.A. §312 the prosecution must be dismissed as de minimis. Under (a)(1) of said statute, this Court finds that the

Defendant's conduct was within a customary license or tolerance, neither expressly negative by the person whose interest was infringed nor inconsistent with the law defining the offense.

In addition, under (2) of said act, the conduct of the Defendant did not actually cause or threaten the harm sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction.

This Court further notes that in this case no harm was done to any victim or to society and therefore, as set forth in Commonwealth v. Moses, 504 A.2d 330, 350 Pa. Super. 231 (1986) and Scurfield Coal Inc. v. Commonwealth, 582 A.2d 694, 136 Pa. Commonwealth 1 (1990) this Court finds that the above prosecution must be dismissed as a de minimis infraction and therefore enters the following:

ORDER

NOW, this 3rd day of November, 2000, following argument into Defendant's Omnibus Pre-Trial Motion, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that the above-captioned prosecution shall be and is hereby dismissed as a de minimis infraction.

By the Court,

/s/ John K. Reilly, Jr.

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

NOV 06 2000

Attest

William L. [Signature]
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife,

Plaintiffs

vs.

No. 02 - 1723 C.D.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM,

Defendants

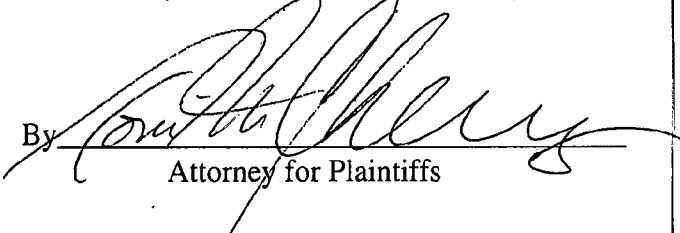
CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April, 2003, a true and correct copy of the Amended Complaint filed on behalf of Plaintiffs was sent to JOHN L. McINTYRE, ESQ., by mailing the same to him by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

JOHN L. McINTYRE, ESQ.
McIntyre, Dugas, Hartye & Schmitt
Attorneys at Law
P. O. Box 533
Hollidaysburg, PA 16648-0533

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorney for Plaintiffs

Dated: April 17, 2003

FILED

APR 17 2003

0/3:15/03
William A. Shaw
Prothonotary

1 Cmt TO ATT

ES

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13271

MOORE, LINDA L. & SCOTT J.

02-1723-CD

VS.

ALLSTATE INSURANCE COMPANY al

SUMMONS

SHERIFF RETURNS

NOW NOVEMBER 6, 2002, JOHN DURANTE, SHERIFF OF MONTGOMERY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON STATE PUBLIC ADJUSTING COMPANY and GREGORY R. BOEHM, DEFENDANTS.

NOW NOVEMBER 14, 2002 SERVED THE WITHIN SUMMONS ON GREGORY R. BOEHM, DEFENDANT BY DEPUTIZING THE SHERIFF OF MONTGOMERY COUNTY. THE RETURN OF SHERIFF DURANTE IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED CHRIS, WIFE.

NOW NOVEMBER 19, 2002 SERVED THE WITHIN SUMMONS ON STATE PUBLIC ADJUSTING COMPANY, DEFENDANT BY DEPUTIZING THE SHERIFF OF MONTGOMERY COUNTY. THE RETURN OF SHERIFF DURANTE IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED LESTER SCHLEGAL, PIC.

NOW NOVEMBER 6, 2002, JOHN GREEN, SHERIFF OF PHILADELPHIA WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON ALLSTATE INSURANCE COMPANY and ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, DEFENDANTS.

FILED

01/30/03
JAN 27 2003

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13271

MOORE, LINDA L. & SCOTT J.

02-1723-CD

VS.

ALLSTATE INSURANCE COMPANY al

SUMMONS

SHERIFF RETURNS

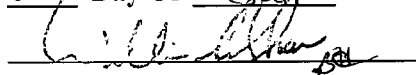
NOW NOVEMBER 22, 2002 SERVED THE WITHIN SUMMONS ON ALLSTATE INSURANCE COMPANY and ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, DEFENDANTS BY DEPUTIZING THE SHERIFF OF PHILADELPHIA. THE RETURNS OF SHERIFF GREEN ARE HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT BOTH COPIES WERE SERVED ON NANCY ARMSTRONG, P.I.C.

Return Costs

Cost	Description
55.11	SHFF. HAWKINS PAID BY: ATTY.
136.00	SHFF. GREEN PAID BY: ATTY.
49.00	SHFF. DURANTE PAID BY; ATTY.
<u>40.00</u>	SURCHARGE PAID BY: ATTY.
280.11	

Sworn to Before Me This

27th Day Of Jan 2003



WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins

Sheriff

SHERIFF'S RETURN**PROTHONOTARY Y- 5653****DEFENDANT: State Public Adjusting Company****DOCUMENT SERVED: Civil****INDIVIDUAL SERVED: Lester Schlegel****RELATIONSHIP TO DEFENDANT: Person In Charge****DATE AND PREVAILING TIME: Nov. 19, 2002 @ 08:00****LOCATION: 609 Melvin Road, Franconia, PA**

The above document was served on the defendant as per information listed above in the County of Montgomery, Commonwealth of Pennsylvania.

Affirmed and subscribed before me on this day so answers.

Nov. 20, 2002

Notary Public

John P. Durante
Sheriff of Montgomery County

Deputy Sheriff
Zappala

Helene Friedman

Notarial Seal
Helene Friedman, Notary Public
Norristown Boro, Montgomery County
My Commission Expires Apr. 1, 2004

SHERIFF'S RETURN

PROTHONOTARY Y- 5653

DEFENDANT: Gregory R. Boehn

DOCUMENT SERVED: Civil

INDIVIDUAL SERVED: Chris

RELATIONSHIP TO DEFENDANT: Wife

DATE AND PREVAILING TIME: Nov. 14, 2002 @ 09:35

LOCATION: 1059 Kings Cote Drive, Franconia, PA

The above document was served on the defendant as per information listed above in the County of Montgomery, Commonwealth of Pennsylvania.

Affirmed and subscribed before me on this day so answers.

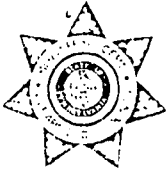
Nov. 20, 2002

Notary Public

John P. Durante
Sheriff of Montgomery County

Deputy Sheriff
Zappala

Notarial Seal
Helene Friedman, Notary Public
Norristown Boro, Montgomery County
My Commission Expires Apr. 1, 2004



Sheriff's Office Clearfield County

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

CHESTER A. HAWKINS
SHERIFF

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

Robert Snyder
CHIEF DEPUTY
Cynthia Aughenbaugh
OFFICE MANAGER

RECEIVED
02 NOV 13 PM 11:49
MARILYN HAMM
DEPT. CLERK
PETER R. SMITH
SOLICITOR
HE
PA.

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA L. & SCOTT J. MOORE

VS

ALLSTATE INSURANCE COMPANY

TERM & NO. 02-1723-CD

DOCUMENT TO BE SERVED:
SUMMONS

SERVE BY: 12/3/02

MAKE REFUND PAYABLE TO: GLEASON, CHERRY & CHERRY, Attorneys

SERVE: STATE PUBLIC ADJUSTING COMPANY and GREGORY R. BOEHM

ADDRESS: State--609 Melvin Road, Franconia, Pa. 18924
Boehm--1059 Kings Cote Drive, Franconia Pa. 18924

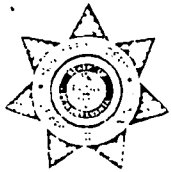
Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF MONTGOMERY COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 6th Day of November 2002.

Respectfully,

Chester A. Hawkins

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

15653



Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

CHESTER A. HAWKINS
SHERIFF

Robert Snyder
CHIEF DEPUTY
Cynthia Aughenbaugh
OFFICE MANAGER

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

11-14

①

RECEIVED
02 NOV 13 AM 11:49
OFFICE OF THE SHERIFF
MONTGOMERY COUNTY
MARILYN HAMM
DEPT. CLERK
PETER T. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PERSON SERVED Lester Sublegel
LINDA L. & SCOTT J. MOORE
RELATION / POSITION PIC TERM & NO. 02-1723-CD
VS PLACE OF SERVICE as Given DOCUMENT TO BE SERVED:
ALLSTATE INSURANCE COMPANY al SUMMONS
TIME TO SERVE 0800
DATE OF SERVICE 11-14-02 SERVE BY: 12/3/02
NUMBER OF ATTEMPTS 2
DEPUTY Zappala
DEPUTY _____

MAKE REFUND PAYABLE TO: STATE OF SERVICE GLEASON, CHERRY & CHERRY, Attorneys

SERVE: STATE PUBLIC ADJUSTING COMPANY and GREGORY R. BOEHM

ADDRESS: State--609 Melvin Road, Franconia, Pa. 18924
Boehm--1059 Kings Cote Drive, Franconia Pa. 18924

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF MONTGOMERY COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 6th Day of November 2002.

11/14 0905 02

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

Y 5 653

Sheriff's No. 15070

AFFIDAVIT OF SERVICE

Court Name: COMMON PLEAS
PA

Plaintiff: LINDA L MOORE
SCOTT J MOORE

Vs.

County Name: Clearfield

Defendant: ALLSTATE INS CO SPEC
INVESTIGATIONS UNIT
1515 MARKET ST STE 1210
PHILADELPHIA

Case No. 02-1723 0

COMMONWEALTH OF PENNSYLVANIA: SS: COUNTY OF PHILADELPHIA

That on 11-22-02 at 2 ~~am~~/p.m. service of

County Foreign Writ was made upon ALLSTATE INS CO SPEC INVESTIGATIONS
UNIT

by serving to and leaving with: NANCY ARDISMONG

at: 1515 MARKET ST

in the City and Count of Philadelphia, Commonwealth of Pennsylvania.

NOT FOUND:

That on _____ at _____ a.m. /p.m. service was not made because:

Moved No answer Expired Unknown Vacant

Other _____

Cary Glassman

Process Server/ Competent Adult

Cary Glassman

Sworn to and subscribed to before me this
25 day of November, 2002.

Cheri L. Smith

NOTARIAL SEAL
CHERI L. SMITH, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 22, 2004

Cary Glassman
Sheriff, Philadelphia County

AFFIDAVIT OF SERVICE

Court Name: COMMON PLEAS
PA

Plaintiff: LINDA L MOORE
SCOTT J MOORE

Vs.

County Name: Clearfield

Defendant: ALLSTATE INSURANCE
COMPANY
1515 MARKET ST STE 1210
PHILADELPHIA

Case No. 02-1723 0

COMMONWEALTH OF PENNSYLVANIA: SS: COUNTY OF PHILADELPHIA

That on 11-22-02 at 2 ~~am~~/p.m. service of

County Foreign Writ was made upon ALLSTATE INSURANCE COMPANY

by serving to and leaving with: NANCY ARMSTRONG

at: 1515 MARKET ST

in the City and Count of Philadelphia, Commonwealth of Pennsylvania.

NOT FOUND:

That on _____ at _____ a.m. /p.m. service was not made because:

Moved No answer Expired Unknown Vacant

Other _____

Cary Glassman

Process Server/ Competent Adult

Cary Glassman

Sworn to and subscribed to before me this
25 day of November, 2002.

Cheri L. Smith

Notary Public

NOTARIAL SEAL
CHERI L. SMITH, Notary Public
City of Philadelphia, Phila. County
Commission Expires March 22, 2004

Cary Glassman

Sheriff, Philadelphia County



Sheriff's Office
Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 110
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

CHESTER A. HAWKINS
SHERIFF

Robert Snyder
CHIEF DEPUTY
Cynthia Aughenbaugh
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

COPY

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LINDA L. & SCOTT J. MOORE

TERM & NO. 02-1723-CD

VS

DOCUMENT TO BE SERVED:
SUMMONS

ALLSTATE INSURANCE COMPANY a1

SERVE BY: 12/3/02

MAKE REFUND PAYABLE TO:

GLEASON, CHERRY & CHERRY, Attorneys

SERVE:

ALLSTATE INSURANCE COMPANY and ALLSTATE INSURANCE COMPANY SPECIAL
INVESTIGATIONS UNIT

ADDRESS:

c/o C.T. Corp. System, 1515 Market St., Suite 1210, Philadelphia, Pa. 19102

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depute the SHERIFF OF PHILADELPHIA COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this 6th Day of NOVEMBER 2002.

Respectfully,

CHESTER A. HAWKINS.
SHERIFF OF CLEARFIELD COUNTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE,
husband and wife,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
PRAECIPE FOR ARGUMENT LIST

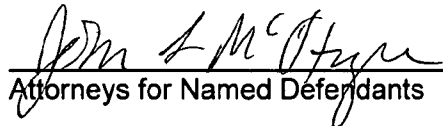
Filed on behalf of Defendants:
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
and GREGORY R. BOEHM

Counsel of Record:

John L. McIntyre, Esquire
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JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
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MAILED TO ALL COUNSEL OF RECORD
THIS 8th DAY OF JANUARY, 2003.


Attorneys for Named Defendants

FILED

JAN 09 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE, : No. 2002 – 1723 CD
husband and wife, :

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

JURY TRIAL DEMANDED

PRAECIPE

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is Preliminary Objections on behalf of Defendants, Allstate Insurance Company, Allstate Insurance Company Special Investigations Unit and Gregory R. Boehm.

McINTYRE, DUGAS, HARTYE & SCHMITT



Attorneys for Defendants,
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT and
GREGORY R. BOEHM

John L. McIntyre, Esquire

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NO

31:27:31

cc

JAN 09 2013

 William A. Shaw
Prothonotary

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vs.

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ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
PRELIMINARY OBJECTIONS TO
PLAINTIFFS' COMPLAINT


Filed on behalf of Defendants:
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
and GREGORY R. BOEHM

Counsel of Record:

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LINDA L. MOORE and SCOTT J. MOORE, : No. 2002 – 1723 CD
husband and wife, :

Plaintiffs :

vs. :

ALLSTATE INSURANCE COMPANY, :
ALLSTATE INSURANCE COMPANY :
SPECIAL INVESTIGATION UNIT, :
STATE PUBLIC ADJUSTING COMPANY, :
and GREGORY R. BOEHM, :

Defendants :

JURY TRIAL DEMANDED

PRELIMINARY OBJECTIONS TO PLAINTIFFS' COMPLAINT

AND NOW, come the Defendants, ALLSTATE INSURANCE, ALLSTATE
INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, and GREGORY R.
BOEHM, who file the following Preliminary Objections to the plaintiff's Complaint and in
support set forth the following:

I. DEMURRER

1. The plaintiffs' Complaint fails to set forth a claim against Gregory R.
Boehm, Allstate Insurance Company and Allstate Insurance Company Special
Investigations Unit.
2. At all times, the arrest of Linda Moore occurred solely as a result of and
with the authority of the Attorney General's office of the Commonwealth of Pennsylvania.

The Attorney General's office authorized said charges pursuant to 18 Pa. C.S.A. §4117(a)(2).

3. Probable cause existed. Probable cause was found by the Magistrate who handled this matter.

4. The case was bound over by the District Justice.

5. Judge Reilly in his Order of November 3, 2000, a copy of which is attached, denied the Motion of Linda L. Moore to quash the charges.

6. The Court in its opinion went on to state that there was a sufficient question of fact to require the matter to be submitted to a jury for determination.

7. The Court dismissed the matter on the basis that Linda Moore's actions were a "de minimis infraction".

8. Gregory Boehm, Allstate Insurance Company Special Investigations Unit, and Allstate Insurance Company do not have the ability to arrest individuals, issue warrants or approve charges for criminal prosecution. That duty lies with the District Attorney's office or Attorney General's office.

9. At all times, even as noted by Judge Reilly, probable cause existed. This is supported by the District Justice's holding the case over for Court, as well as the opinion of Judge Reilly.

10. The plaintiffs are attempting to claim that the charges against the wife-plaintiff were published in a local newspaper. None of the defendants had any involvement with regard to the publication of the charges and as such, any claims regarding injury or reputation should be dismissed, insofar as the plaintiffs' Complaint does not set forth a valid cause of action against these Defendants, Gregory Boehm,

Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that the plaintiffs' Complaint be dismissed with prejudice, insofar as it fails to set forth a recognized cause of action against any of these defendants.

II. DEMURRER AS TO CLAIMS OF SCOTT J. MOORE

11. In Count II of the plaintiffs' Complaint, it is alleged that Scott J. Moore has suffered a loss of consortium; that his wife has incurred and may incur additional medical bills; and that he has suffered disruption of his daily habits and loss of enjoyment of life and great embarrassment.

12. The law in the Commonwealth of Pennsylvania does not recognize such causes of action for loss of consortium, incurring of medical bills and disruption of daily habits and pursuits, including a loss of enjoyment of life and great embarrassment, as a result of the actions complained of by Linda J. Moore.

13. Linda J. Moore did not sustain any personal injuries as a result of the conduct of any of the defendants and as such, there can be no claim for loss of consortium or the other items set forth on behalf of Scott J. Moore.

14. Scott J. Moore fails to set forth a cause of action against any of the named defendants.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and

GREGORY R. BOEHM, respectfully request that Scott J. Moore's claims be dismissed with prejudice.

**III. DEMURRER ON BEHALF OF ALLSTATE INSURANCE COMPANY
AND ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT**

15. The plaintiffs' Complaint sets forth a purported claim for punitive damages against Allstate Insurance Company, Allstate Insurance Company's Special Investigations Unit and Gregory R. Boehm.

16. Pennsylvania law does not recognize a cause of action for vicarious liability for punitive damages.

17. Plaintiffs' Complaint fails to set forth a recognized cause of action against Allstate Insurance Company and Allstate Insurance Company Special Investigations Unit with regard to the claims for punitive damages.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY and ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT, respectfully request that the claims for punitive damages be dismissed with prejudice and judgment entered in their favor.

IV. MOTION TO DISMISS

18. The plaintiffs contend that Linda Moore and her husband were injured as a result of the tortuous conduct of Gregory R. Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company.

19. According to the plaintiffs' Complaint, she was involved in an automobile accident on May 7, 1998.

20. The actions of the defendants occurred subsequent to May 7, but prior to November 6, 2000, when Judge Reilly entered an Order finding that the prosecution could be dismissed as de minimis.

21. The statute of limitations for tortuous conduct in the Commonwealth of Pennsylvania is two years under 42 Pa. C.S.A. §5524.

22. The within action was filed by Writ of Summons on November 4, 2002, more than two years after the actions complained of by any of the defendants.

23. The within actions are barred by the two-year statute of limitations and should be dismissed and stricken with prejudice.

V. MOTION TO STRIKE

24. The plaintiffs' Complaint contains the following paragraphs:

16. That the charges against Wife Plaintiff were published in the local newspaper so that all of her friends, neighbors and business associates could read that she had been charged with the above-mentioned crime.
17. That as a result of the publication of the charges brought against her, Wife Plaintiff was questioned by numerous individuals who had read about her and she was forced to explain herself and to try to defend herself from this wrongful charge to her friends, neighbors and business associates.
21. Wife Plaintiff's injuries and damages were caused solely by the unlawful and malicious acts of Defendants.
22. By reason of the malicious, wanton and willful conduct of Defendants, Plaintiff demands punitive damages.

25. The plaintiffs fail to set forth that these defendants had a duty or any facts in support of how these defendants were responsible for the publication or what laws were violated with regard to the acts complained of by the plaintiffs.

26. These paragraphs constitute scandalous and impertinent material.

27. The Defendants, Gregory R. Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company, challenge the effective service insofar as the same was not timely and appropriately accomplished.

28. Pursuant to the PA Rules of Civil Procedure, the plaintiffs' Complaint should be dismissed as to some or all of these defendants, for failure to comply with the appropriate service rules.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that these paragraphs be stricken from the plaintiffs' Complaint.

VI. MOTION FOR MORE SPECIFIC COMPLAINT

29. In the alternative, in the event the Court does not dismiss the above Complaint, then the plaintiffs should be required to plead with more specificity specifically what conduct on behalf of any of these defendants, was unlawful, what laws were violated and precisely when and where said actions occurred.

30. The plaintiffs' Complaint is non-specific with regard to time, dates and places of action on behalf of any of the defendants, including but not limited to Gregory R. Boehm.

31. The plaintiffs have failed to set forth how the conduct of any of the defendants, including Gregory R. Boehm was malicious, wanton and willful.

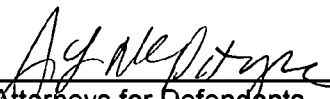
32. The defendants are entitled to know the specifics of when, where, how and why the defendants supposedly acted unlawfully and how the conduct was malicious, wanton and willful.

33. These defendants will be severely prejudiced if the plaintiffs are not required to file a more specific Complaint regarding the allegations against all of the defendants.

WHEREFORE, in the alternative, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that this Honorable Court enter an Order requiring the plaintiffs to more specifically plead all of the facts as to when, how, why and where the unlawful violations occurred, as well as how the conduct was malicious, willful or wanton. Further, the plaintiffs should be required to plead with more specificity all damages claimed by the plaintiffs.

Respectfully submitted,

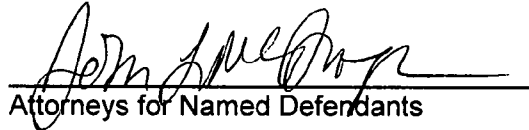
McINTYRE, DUGAS, HARTYE & SCHMITT

By 
Attorneys for Defendants,
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT and
GREGORY R. BOEHM

John L. McIntyre, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

TO: PLAINTIFFS

YOU ARE HEREBY NOTIFIED TO FILE
A WRITTEN RESPONSE TO THE ENCLOSED
PRELIMINARY OBJECTIONS WITHIN
TWENTY (20) DAYS FROM SEVICE HEREOF
OR A JUDGMENT MAY BE ENTERED AGAINST
YOU.


Attorneys for Named Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA:

-vs-

: No. 98 - 515 - CRA

LINDA L. MOORE

:

OPINION AND ORDER

This matter comes before the court on an Omnibus Pre-Trial Motion filed on behalf of Defendant above-named. Trial in the matter is scheduled to commence on Tuesday, November 7, 2000. The Information alleges the offense of Insurance Fraud, specifically 18 Pa. C.S.A. 4117(a)(2). In the Omnibus Pre-Trial Motion, Defendant seeks to have this Court quash the Information and/or for a Writ of Habeas Corpus and second, to dismiss the proceedings based on the de minimis nature of the case. In support of her Motion to Quash, Defendant has presented to this Court a transcript of the testimony taken before the District Justice at the Preliminary Hearing. The Court has read and examined the transcript and mindful of the requirement that it be read in a light most favorable to the Commonwealth, does hereby deny Defendant's Motion to Quash. Clearly the testimony and evidence presented by the Commonwealth is extremely weak and the subsequent submissions by the Defendant make it highly unlikely that a conviction would ensue. Nevertheless, this Court is of the opinion that there is a sufficient question of fact to require the matter be submitted to a jury for determination.

However, this Court is satisfied that under 18 Pa. C.S.A. §312 the prosecution must be dismissed as de minimis. Under (a)(1) of said statute, this Court finds that the

Defendant's conduct was within a customary license or tolerance, neither expressly negative by the person whose interest was infringed nor inconsistent with the law defining the offense.

In addition, under (2) of said act, the conduct of the Defendant did not actually cause or threaten the harm sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction.

This Court further notes that in this case no harm was done to any victim or to society and therefore, as set forth in Commonwealth v. Moses, 504 A.2d 330, 350 Pa. Super. 231 (1986) and Scurfield Coal Inc. v. Commonwealth, 582 A.2d 694, 136 Pa. Commonwealth 1 (1990) this Court finds that the above prosecution must be dismissed as a de minimis infraction and therefore enters the following:

ORDER

NOW, this 3rd day of November, 2000, following argument into Defendant's Omnibus Pre-Trial Motion, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that the above-captioned prosecution shall be and is hereby dismissed as a de minimis infraction.

By the Court,

/s/ John K. Reilly, Jr.

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

NOV 06 2000

Attest

William L. [Signature]
Prothonotary

FILED

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JAN 09 2003

NO
cc


William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife

-VS-

No. 02 - 1723 - CD

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM

ORDER

NOW, this 1st day of April, 2003, following argument and briefs into Preliminary Objections filed on behalf of Defendants above-named, it is the ORDER of this Court that said Objections be and are hereby sustained to the extent that Plaintiffs shall be and are hereby given twenty (20) days from date hereof to file an Amended Complaint.

By the Court,

President Judge

FILED

APR 02 2003

William A. Shaw
Prothonotary

FILED

APR 02 2003

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William A. Shaw
Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE,
husband and wife,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
PRAECIPE FOR ARGUMENT LIST

Filed on behalf of Defendants:
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
and GREGORY R. BOEHM

Counsel of Record:

John L. McIntyre, Esquire
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Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 7th DAY OF MAY, 2003.

Attorneys for Named Defendants

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MAY 08 2003

William A. Shaw
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

LINDA L. MOORE and SCOTT J. MOORE, : No. 2002 – 1723 CD
husband and wife, :

Plaintiffs

vs.

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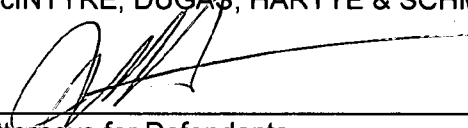
JURY TRIAL DEMANDED

PRAECIPE

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is Amended Preliminary Objections to Plaintiffs' Amended Complaint on behalf of Defendants, Allstate Insurance Company, Allstate Insurance Company Special Investigations Unit and Gregory R. Boehm.

McINTYRE, DUGAS, HARTYE & SCHMITT


Attorneys for Defendants,
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT and
GREGORY R. BOEHM
John L. McIntyre, Esquire
PA I.D. #28015
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FILED

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MAY 08 2003

NO CC

for

copy to C/A

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE, :
husband and wife, :

Plaintiffs

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SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

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Attorneys for Named Defendants

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William A. Shaw
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No Cert.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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husband and wife, :

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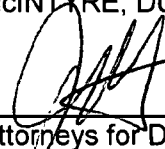
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McINTYRE, DUGAS, HARTYE & SCHMITT


Attorneys for Defendants,
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ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT and
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Plaintiffs

vs.

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SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
PRELIMINARY OBJECTIONS TO
PLAINTIFFS' AMENDED COMPLAINT

Filed on behalf of Defendants:
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
and GREGORY R. BOEHM

Counsel of Record:

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LINDA L. MOORE and SCOTT J. MOORE, : No. 2002 – 1723 CD
husband and wife, :

VS.

Defendants

JURY TRIAL DEMANDED

I. DEMURRER

2. At all times, the arrest of Linda Moore occurred solely as a result of, with the authority of, and under the direction of the Attorney General's office of the Commonwealth of Pennsylvania. The Attorney General's office authorized said charges pursuant to 18 Pa. C.S.A. §4117(a)(2).

3. Probable cause existed. Probable cause was found by the Magistrate who handled this matter.

4. The case was bound over by the District Justice.

5. Judge Reilly in his Order of November 3, 2000, a copy of which is attached, denied the Motion of Linda L. Moore to quash the charges.

6. The Court in its opinion went on to state that there was a sufficient question of fact to require the matter to be submitted to a jury for determination.

7. The Court dismissed the matter on the basis that Linda Moore's actions were a "de minimis infraction".

8. Gregory Boehm, Allstate Insurance Company Special Investigations Unit, and Allstate Insurance Company do not have the ability to arrest individuals, issue warrants or approve charges for criminal prosecution. That duty lies with the District Attorney's office or Attorney General's office.

9. At all times, even as noted by Judge Reilly, probable cause existed. This is supported by the District Justice's holding the case over for Court, as well as the opinion of Judge Reilly.

10. The plaintiffs are attempting to claim that the charges against the wife-plaintiff were published in a local newspaper. None of the defendants had any involvement with regard to the publication of the charges and as such, any claims regarding injury or reputation should be dismissed, insofar as the plaintiffs' Amended Complaint does not set forth a valid cause of action against these Defendants, Gregory Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company.

11. Under the laws of the Commonwealth of Pennsylvania and the applicable case law, the finding of probable cause by the Magistrate and Judge Reilly, in not dismissing the claim on the merits, precludes the plaintiffs from setting forth a recognized and valid cause of action against any of these defendants.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that the plaintiffs' Amended Complaint be dismissed with prejudice, insofar as it fails to set forth a recognized cause of action against any of these defendants.

II. DEMURRER AS TO CLAIMS OF SCOTT J. MOORE

12. In Count II of the plaintiffs' Amended Complaint, it is alleged that Scott J. Moore has suffered a loss of consortium; that his wife has incurred and may incur additional medical bills; and that he has suffered disruption of his daily habits and loss of enjoyment of life and great embarrassment.

13. The law in the Commonwealth of Pennsylvania does not recognize such causes of action for loss of consortium, incurring of medical bills and disruption of daily habits and pursuits, including a loss of enjoyment of life and great embarrassment, as a result of the actions complained of by Linda J. Moore.

14. Linda J. Moore did not sustain any personal injuries as a result of the conduct of any of the defendants and as such, there can be no claim for loss of consortium or the other items set forth on behalf of Scott J. Moore.

15. Scott J. Moore fails to set forth a cause of action against the named defendants, for alleged loss of consortium.

16. According to the case law in Pennsylvania, "a husband's claim for loss of consortium constitutes a separate and distinct cause of action, but recovery is predicated upon his spouse's having sustained physical injuries." **Darr Construction Company vs. W.C.A.B. (Walker)**, 715 A.2d 1075 (Pa. 1998).

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that Scott J. Moore's claims be dismissed with prejudice.

**III. DEMURRER ON BEHALF OF ALLSTATE INSURANCE COMPANY
AND ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT**

17. The plaintiffs' Amended Complaint sets forth a purported claim for punitive damages against Allstate Insurance Company, Allstate Insurance Company's Special Investigations Unit and Gregory R. Boehm.

18. Pennsylvania law does not recognize a cause of action for vicarious liability for punitive damages, or punitive damages based upon the lack of specificity or averments of malice, etc.

19. At all times, Allstate Insurance Company and the other defendants, had a duty to report suspected activity which was covered under the statutes dealing with suspected insurance fraud.

20. Under 18 Pa. C.S.A. §4117, all persons including insurance companies, have a duty to provide information to the authorities when any type of insurance fraud is suspected.

21. The decision to charge the plaintiff under 18 Pa. C.S.A. §4117(a)(2) was made by the Attorney General's office, not Allstate Insurance Company.

22. Judge Reilly in his Court Order found that there was a question of fact and was allowing the case to proceed, but for his dismissal as "de minimis".

23. Under 18 Pa. C.S.A. §4117(f), Allstate and all of its agents, servants and employees are granted immunity.

24. Clearly, upon the face of the Complaint, which had previously been dismissed by this Court, the plaintiffs have not set forth any new information to permit a claim for punitive damages against Allstate Insurance Company, its agents, servants or employees.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that the claims for punitive damages be dismissed with prejudice and judgment entered in their favor.

IV. MOTION TO DISMISS

25. The plaintiffs contend that Linda Moore and her husband were injured as a result of the tortuous conduct of Gregory R. Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company.

26. According to the plaintiffs' Amended Complaint, she was involved in an automobile accident on May 7, 1998.

27. The actions of the defendants occurred subsequent to May 7, but prior to November 6, 2000, when Judge Reilly entered an Order finding that the prosecution could be dismissed as de minimis.

28. The statute of limitations for tortious conduct in the Commonwealth of Pennsylvania is two years under 42 Pa. C.S.A. §5524.

29. The within action was filed by Writ of Summons on November 4, 2002, more than two years after the actions complained of by any of the defendants.

30. The within actions are barred by the two-year statute of limitations and should be dismissed and stricken with prejudice.

V. MOTION TO STRIKE/MOTION FOR MORE SPECIFIC PLEADING

31. The plaintiffs' Amended Complaint contains the following paragraphs:

- 21. That the charges against Wife Plaintiff were published in the local newspaper so that all of her friends, neighbors and business associates could read that she had been charged with the above-mentioned crime.
- 22. That as a result of the publication of the charges brought against her, Wife Plaintiff was questioned by numerous individuals who had read about her and she was forced to explain herself and to try to defend herself from this wrongful charge to her friends, neighbors and business associates.
- 26. Wife Plaintiff's injuries and damages were caused solely by the unlawful and malicious acts of Defendants in providing information to law enforcement officers that they knew to be incomplete and false.
- 27. By reason of the malicious, wanton and willful conduct of Defendants, Plaintiff demands punitive damages.

32. The plaintiffs fail to set forth that these defendants had a duty or any facts in support of how these defendants were responsible for the publication or what laws were violated with regard to the acts complained of by the plaintiffs.

33. These paragraphs constitute scandalous and impertinent material.

34. The Defendants, Gregory R. Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company, challenge the effective service insofar as the same was not timely and appropriately accomplished.

35. Pursuant to the PA Rules of Civil Procedure, the plaintiffs' Amended Complaint should be dismissed as to some or all of these defendants, for failure to comply with the appropriate service rules.

36. In the alternative, in the event the Court does not dismiss the above Amended Complaint, then the plaintiffs should be required to plead with more specificity specifically what conduct on behalf of any of these defendants, was unlawful, what laws were violated and precisely when and where said actions occurred.

37. The plaintiffs' Amended Complaint is non-specific with regard to time, dates and places of action on behalf of any of the defendants, including but not limited to Gregory R. Boehm.

38. The plaintiffs have failed to set forth how the conduct of any of the defendants, including Gregory R. Boehm was malicious, wanton and willful.

39. The defendants are entitled to know the specifics of when, where, how and why the defendants supposedly acted unlawfully and how the conduct was malicious, wanton and willful.


40. These defendants will be severely prejudiced if the plaintiffs are not required to file a more specific Complaint regarding the allegations against all of the defendants.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and

GREGORY R. BOEHM, respectfully request that the plaintiffs' Amended Complaint be dismissed or in the alternative, that the plaintiffs be required to file a more specific Complaint detailing as to when, how, why and where the unlawful violations occurred, as well as how the conduct of the defendants was willful, wanton or malicious. If the plaintiffs should fail to do this in their next Amended Complaint, the Court should dismiss the same with prejudice.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By 

Attorneys for Defendants,
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT and
GREGORY R. BOEHM

John L. McIntyre, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

TO: PLAINTIFFS

YOU ARE HEREBY NOTIFIED TO FILE
A WRITTEN RESPONSE TO THE ENCLOSED
PRELIMINARY OBJECTIONS WITHIN
TWENTY (20) DAYS FROM SEVICE HEREOF
OR A JUDGMENT MAY BE ENTERED AGAINST
YOU.


Attorneys for Named Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA:

-vs-

: No. 98 - 515 - CRA

LINDA L. MOORE

:

OPINION AND ORDER

This matter comes before the court on an Omnibus Pre-Trial Motion filed on behalf of Defendant above-named. Trial in the matter is scheduled to commence on Tuesday, November 7, 2000. The Information alleges the offense of Insurance Fraud, specifically 18 Pa. C.S.A. 4117(a)(2). In the Omnibus Pre-Trial Motion, Defendant seeks to have this Court quash the Information and/or for a Writ of Habeas Corpus and second, to dismiss the proceedings based on the de minimis nature of the case. In support of her Motion to Quash, Defendant has presented to this Court a transcript of the testimony taken before the District Justice at the Preliminary Hearing. The Court has read and examined the transcript and mindful of the requirement that it be read in a light most favorable to the Commonwealth, does hereby deny Defendant's Motion to Quash. Clearly the testimony and evidence presented by the Commonwealth is extremely weak and the subsequent submissions by the Defendant make it highly unlikely that a conviction would ensue. Nevertheless, this Court is of the opinion that there is a sufficient question of fact to require the matter be submitted to a jury for determination.

However, this Court is satisfied that under 18 Pa. C.S.A. §312 the prosecution must be dismissed as de minimis. Under (a)(1) of said statute, this Court finds that the

Defendant's conduct was within a customary license or tolerance, neither expressly negative by the person whose interest was infringed nor inconsistent with the law defining the offense.

In addition, under (2) of said act, the conduct of the Defendant did not actually cause or threaten the harm sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction.

This Court further notes that in this case no harm was done to any victim or to society and therefore, as set forth in Commonwealth v. Moses, 504 A.2d 330, 350 Pa. Super. 231 (1986) and Scurfield Coal Inc. v. Commonwealth, 582 A.2d 694, 136 Pa. Commonwealth 1 (1990) this Court finds that the above prosecution must be dismissed as a de minimis infraction and therefore enters the following:

ORDER

NOW, this 3rd day of November, 2000, following argument into Defendant's Omnibus Pre-Trial Motion, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that the above-captioned prosecution shall be and is hereby dismissed as a de minimis infraction.

By the Court,

/s/ John K. Reilly, Jr.

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

NOV 06 2000

Attest

William A. [Signature]
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

LINDA L. MOORE and SCOTT J. MOORE:
husband and wife

-vs-

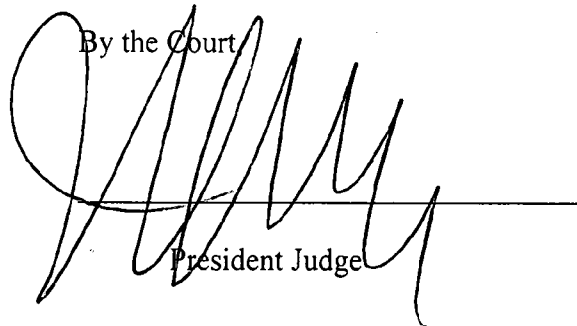
No. 02 – 1723 – CD

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY:
and GREGORY R. BOEHM

ORDER

NOW, this 22nd day of July, 2003, this being the day and date set for argument into Preliminary Objections filed on behalf of Defendants above-named, to Plaintiffs' Complaint, it is the ORDER of this Court that ruling thereon shall be and is hereby continued to provide Plaintiffs the opportunity to depose Defendant Gregory R. Boehm upon the following conditions. Within twenty (20) days from date hereof Plaintiff shall submit to counsel for Defendants a list of specifically false information provided by Defendant Boehm to the Attorney General for Pennsylvania and the deposition to occur within thirty (30) days thereafter.

By the Court



President Judge

FILED

JUL 22 2003

William A. Shaw
Prothonotary

FILED

01:34:40
JUL 22 2003

William A. Shaw
Prothonotary

cc Amy McIntyre
cc Amy T. Chesney

2/2
6/21

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J. MOORE,
husband and wife,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,

Defendants

No. 2002 – 1723 CD

ISSUE:
AMENDED PRELIMINARY
OBJECTIONS TO PLAINTIFFS'
AMENDED COMPLAINT

Filed on behalf of Defendants:
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATION UNIT,
and GREGORY R. BOEHM

Counsel of Record:

John L. McIntyre, Esquire
PA I.D. #28015
McINTYRE, DUGAS, HARTYE &
& SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 7th DAY OF MAY, 2003.

Attorneys for Named Defendants

FILED

MAY 08 2003

William A. Shaw
Prothonotary

1. The plaintiffs' Amended Complaint fails to set forth a claim against Gregory R. Boehm, Allstate Insurance Company and Allstate Insurance Company Special Investigations Unit.
2. At all times, the arrest of Linda Moore occurred solely as a result of, with the authority of, and under the direction of the Attorney General's office of the Commonwealth of Pennsylvania. The Attorney General's office authorized said charges pursuant to 18 Pa. C.S.A. §4117(a)(2).

3. Probable cause existed. Probable cause was found by the Magistrate who handled this matter.

4. The case was bound over by the District Justice.

5. Judge Reilly in his Order of November 3, 2000, a copy of which is attached, denied the Motion of Linda L. Moore to quash the charges.

6. The Court in its opinion went on to state that there was a sufficient question of fact to require the matter to be submitted to a jury for determination.

7. The Court dismissed the matter on the basis that Linda Moore's actions were a "de minimis infraction".

8. Gregory Boehm, Allstate Insurance Company Special Investigations Unit, and Allstate Insurance Company do not have the ability to arrest individuals, issue warrants or approve charges for criminal prosecution. That duty lies with the District Attorney's office or Attorney General's office.

9. At all times, even as noted by Judge Reilly, probable cause existed. This is supported by the District Justice's holding the case over for Court, as well as the opinion of Judge Reilly.

10. The plaintiffs are attempting to claim that the charges against the wife-plaintiff were published in a local newspaper. None of the defendants had any involvement with regard to the publication of the charges and as such, any claims regarding injury or reputation should be dismissed, insofar as the plaintiffs' Amended Complaint does not set forth a valid cause of action against these Defendants, Gregory Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company.

11. Under the laws of the Commonwealth of Pennsylvania and the applicable case law, the finding of probable cause by the Magistrate and Judge Reilly, in not dismissing the claim on the merits, precludes the plaintiffs from setting forth a recognized and valid cause of action against any of these defendants.

12. On April 1, 2003, the Honorable John K. Reilly, Jr. entered an Order sustaining the defendants' Preliminary Objections and granting plaintiffs 20 days in which to file an Amended Complaint. Attached hereto and made a part hereof is a true and correct copy of his Order marked Exhibit "B". The only new information filed or added to the Amended Complaint is contained in paragraphs 7 and 8, which provide information about how the accident happened and when it happened.

13. In addition, the plaintiffs have added paragraphs 11, 12, 13, 14 and 15 to their Amended Complaint. These paragraphs provide no information as to what actions were taken at Allstate. They do provide additional information about the automobile accident and suggest that there was no reasonable basis, however, other than these non-specific allegations, add nothing to the plaintiffs' cause of action against these defendants.

In addition, the plaintiffs have added that information was provided which was incomplete and false in paragraph 26, without identifying what this information was. Again, an addition of non-specific factual averments.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that the plaintiffs' Amended Complaint be

dismissed with prejudice, insofar as it fails to set forth a recognized cause of action against any of these defendants.

II. DEMURRER AS TO CLAIMS OF SCOTT J. MOORE

14. In Count II of the plaintiffs' Amended Complaint, it is alleged that Scott J. Moore has suffered a loss of consortium; that his wife has incurred and may incur additional medical bills; and that he has suffered disruption of his daily habits and loss of enjoyment of life and great embarrassment.

15. The law in the Commonwealth of Pennsylvania does not recognize such causes of action for loss of consortium, incurring of medical bills and disruption of daily habits and pursuits, including a loss of enjoyment of life and great embarrassment, as a result of the actions complained of by Linda J. Moore.

16. Linda J. Moore did not sustain any personal injuries as a result of the conduct of any of the defendants and as such, there can be no claim for loss of consortium or the other items set forth on behalf of Scott J. Moore.

17. Scott J. Moore fails to set forth a cause of action against the named defendants, for alleged loss of consortium.

18. According to the case law in Pennsylvania, "a husband's claim for loss of consortium constitutes a separate and distinct cause of action, but recovery is predicated upon his spouse's having sustained physical injuries." **Darr Construction Company vs. W.C.A.B. (Walker)**, 715 A.2d 1075 (Pa. 1998).

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and

GREGORY R. BOEHM, respectfully request that Scott J. Moore's claims be dismissed with prejudice.

**III. DEMURRER ON BEHALF OF ALLSTATE INSURANCE COMPANY
AND ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT**

19. The plaintiffs' Amended Complaint sets forth a purported claim for punitive damages against Allstate Insurance Company, Allstate Insurance Company's Special Investigations Unit and Gregory R. Boehm.

20. Pennsylvania law does not recognize a cause of action for vicarious liability for punitive damages, or punitive damages based upon the lack of specificity or averments of malice, etc.

21. At all times, Allstate Insurance Company and the other defendants, had a duty to report suspected activity which was covered under the statutes dealing with suspected insurance fraud.

22. Under 18 Pa. C.S.A. §4117, all persons including insurance companies, have a duty to provide information to the authorities when any type of insurance fraud is suspected.

23. The decision to charge the plaintiff under 18 Pa. C.S.A. §4117(a)(2) was made by the Attorney General's office, not Allstate Insurance Company.

24. Judge Reilly in his Court Order found that there was a question of fact and was allowing the case to proceed, but for his dismissal as "de minimis".

25. Under 18 Pa. C.S.A. §4117(f), Allstate and all of its agents, servants and employees are granted immunity.

26. Clearly, upon the face of the Complaint, which had previously been dismissed by this Court, the plaintiffs have not set forth any new information to permit a claim for punitive damages against Allstate Insurance Company, its agents, servants or employees.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that the claims for punitive damages be dismissed with prejudice and judgment entered in their favor.

IV. MOTION TO DISMISS

27. The plaintiffs contend that Linda Moore and her husband were injured as a result of the tortuous conduct of Gregory R. Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company.

28. According to the plaintiffs' Amended Complaint, she was involved in an automobile accident on May 7, 1998.

29. The actions of the defendants occurred subsequent to May 7, but prior to November 6, 2000, when Judge Reilly entered an Order finding that the prosecution could be dismissed as de minimis.

30. The statute of limitations for tortuous conduct in the Commonwealth of Pennsylvania is two years under 42 Pa. C.S.A. §5524.

31. The within action was filed by Writ of Summons on November 4, 2002, more than two years after the actions complained of by any of the defendants.

32. The within actions are barred by the two-year statute of limitations and should be dismissed and stricken with prejudice.

V. MOTION TO STRIKE/MOTION FOR MORE SPECIFIC PLEADING

33. The plaintiffs' Amended Complaint contains the following paragraphs:

- 21. That the charges against Wife Plaintiff were published in the local newspaper so that all of her friends, neighbors and business associates could read that she had been charged with the above-mentioned crime.
- 22. That as a result of the publication of the charges brought against her, Wife Plaintiff was questioned by numerous individuals who had read about her and she was forced to explain herself and to try to defend herself from this wrongful charge to her friends, neighbors and business associates.
- 26. Wife Plaintiff's injuries and damages were caused solely by the unlawful and malicious acts of Defendants in providing information to law enforcement officers that they knew to be incomplete and false.
- 27. By reason of the malicious, wanton and willful conduct of Defendants, Plaintiff demands punitive damages.

34. The plaintiffs fail to set forth that these defendants had a duty or any facts in support of how these defendants were responsible for the publication or what laws were violated with regard to the acts complained of by the plaintiffs.

35. These paragraphs constitute scandalous and impertinent material.

36. The Defendants, Gregory R. Boehm, Allstate Insurance Company Special Investigations Unit and Allstate Insurance Company, challenge the effective service insofar as the same was not timely and appropriately accomplished.

37. Pursuant to the PA Rules of Civil Procedure, the plaintiffs' Amended Complaint should be dismissed as to some or all of these defendants, for failure to comply with the appropriate service rules.

38. In the alternative, in the event the Court does not dismiss the above Amended Complaint, then the plaintiffs should be required to plead with more specificity specifically what conduct on behalf of any of these defendants, was unlawful, what laws were violated and precisely when and where said actions occurred.

39. The plaintiffs' Amended Complaint is non-specific with regard to time, dates and places of action on behalf of any of the defendants, including but not limited to Gregory R. Boehm.

40. The plaintiffs have failed to set forth how the conduct of any of the defendants, including Gregory R. Boehm was malicious, wanton and willful.

41. The defendants are entitled to know the specifics of when, where, how and why the defendants supposedly acted unlawfully and how the conduct was malicious, wanton and willful.

42. These defendants will be severely prejudiced if the plaintiffs are not required to file a more specific Complaint regarding the allegations against all of the defendants.

WHEREFORE, the Defendants, ALLSTATE INSURANCE COMPANY, ALLSTATE INSURANCE COMPANY SPECIAL INVESTIGATIONS UNIT and GREGORY R. BOEHM, respectfully request that the plaintiffs' Amended Complaint be dismissed or in the alternative, that the plaintiffs be required to file a more specific Complaint detailing as to when, how, why and where the unlawful violations occurred, as well as how the conduct of the defendants was willful, wanton or malicious. If the plaintiffs should fail to do this in their next Amended Complaint, the Court should dismiss the same with prejudice.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

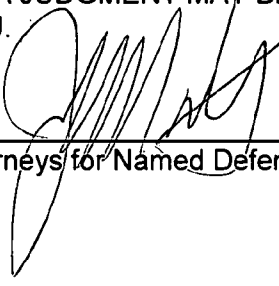
By 

Attorneys for Defendants,
ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT and
GREGORY R. BOEHM

John L. McIntyre, Esquire
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

TO: PLAINTIFFS

YOU ARE HEREBY NOTIFIED TO FILE
A WRITTEN RESPONSE TO THE ENCLOSED
AMENDED PRELIMINARY OBJECTIONS WITHIN
TWENTY (20) DAYS FROM SERVICE HEREOF
OR A JUDGMENT MAY BE ENTERED AGAINST
YOU.


Attorneys for Named Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA:

-vs- : No. 98 - 515 - CRA

LINDA L. MOORE :

OPINION AND ORDER

This matter comes before the court on an Omnibus Pre-Trial Motion filed on behalf of Defendant above-named. Trial in the matter is scheduled to commence on Tuesday, November 7, 2000. The Information alleges the offense of Insurance Fraud, specifically 18 Pa. C.S.A. 4117(a)(2). In the Omnibus Pre-Trial Motion, Defendant seeks to have this Court quash the Information and/or for a Writ of Habeas Corpus and second, to dismiss the proceedings based on the de minimis nature of the case. In support of her Motion to Quash, Defendant has presented to this Court a transcript of the testimony taken before the District Justice at the Preliminary Hearing. The Court has read and examined the transcript and mindful of the requirement that it be read in a light most favorable to the Commonwealth, does hereby deny Defendant's Motion to Quash. Clearly the testimony and evidence presented by the Commonwealth is extremely weak and the subsequent submissions by the Defendant make it highly unlikely that a conviction would ensue. Nevertheless, this Court is of the opinion that there is a sufficient question of fact to require the matter be submitted to a jury for determination.

However, this Court is satisfied that under 18 Pa. C.S.A. §312 the prosecution must be dismissed as de minimis. Under (a)(1) of said statute, this Court finds that the

Defendant's conduct was within a customary license or tolerance, neither expressly negative by the person whose interest was infringed nor inconsistent with the law defining the offense.

In addition, under (2) of said act, the conduct of the Defendant did not actually cause or threaten the harm sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction.

This Court further notes that in this case no harm was done to any victim or to society and therefore, as set forth in Commonwealth v. Moses, 504 A.2d 330, 350 Pa. Super. 231 (1986) and Scurfield Coal Inc. v. Commonwealth, 582 A.2d 694, 136 Pa. Commonwealth 1 (1990) this Court finds that the above prosecution must be dismissed as a de minimis infraction and therefore enters the following:

ORDER

NOW, this 3rd day of November, 2000, following argument into Defendant's Omnibus Pre-Trial Motion, it is the ORDER of this Court that said Motion be and is hereby granted to the extent that the above-captioned prosecution shall be and is hereby dismissed as a de minimis infraction.

By the Court,

/s/ John K. Reilly, Jr.

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

NOV 6 2000

Attest

William L. [Signature]
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

LINDA L. MOORE and SCOTT J.
MOORE, husband and wife

-VS-

No. 02 - 1723 - CD

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATIONS UNIT,
STATE PUBLIC ADJUSTING
COMPANY, and GREGORY R. BOEHM

ORDER

NOW, this 1st day of April, 2003, following argument and briefs into Preliminary Objections filed on behalf of Defendants above-named, it is the ORDER of this Court that said Objections be and are hereby sustained to the extent that Plaintiffs shall be and are hereby given twenty (20) days from date hereof to file an Amended Complaint.

By the Court,

/s/ JOHN K. REILLY, JR.

President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 02 2003

Attest.

W. L. H.
Prothonotary/
Clerk of Courts

EXHIBIT "B"

FILED

MAY 11 2003

NO cc

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and SCOTT J.	:	
MOORE, husband and wife	:	
	:	
vs.	:	No. 02-1723-CD
	:	
ALLSTATE INSURANCE COMPANY,	:	
ALLSTATE INSURANCE COMPANY,	:	
SPECIAL INVESTIGATION UNIT,	:	
STATE PUBLIC ADJUSTING	:	
COMPANY and GREGORY R.	:	
BOEHM	:	

ORDER


AND NOW, this 21st day of January, 2004, it is the ORDER of the Court that a status conference in the above matter has been scheduled for **Friday, February 6, 2004 at 10:00 A.M.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

FILED

JAN 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED 1cc

Ad ID: 2584
JAN 21 2004

William A. Shaw

Prothonotary/Clerk of Courts

Allys McIntyre, T. Cherry
6/22

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LINDA L. MOORE and
SCOTT MOORE, husband and wife,
Plaintiffs

vs.

NO. 2002-1723-C.D.

ALLSTATE INSURANCE COMPANY,
ALLSTATE INSURANCE COMPANY
SPECIAL INVESTIGATING UNIT,
STATE PUBLIC ADJUSTING COMPANY,
and GREGORY R. BOEHM,
Defendants

FILED

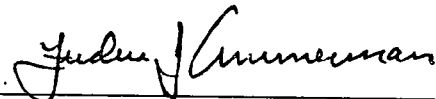
FEB 06 2004

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 5th day of February, 2004, the Court noting that a Status Conference is scheduled for Friday, February 6, 2004; due to the forecasted inclement weather conditions which are to arrive in Clearfield County and surrounding areas sometime tonight, it is the ORDER of this Court that said Status Conference be and is hereby cancelled. Counsel for the parties shall have no more than twenty (20) days from the date of this Order to present the Court with a letter detailing the status of the above captioned action.

By the Court,



FREDRIC J. AMMERMAN
PRESIDENT JUDGE

FILED

01:11:00 PM
FEB 06 2004

William A. Shaw
Prothonotary/Clerk of Courts

2 certified copies to Toni M. Cherry, Esquire
2 certified copies to John L. McIntyre, Esquire
1 copy to Judge Ammerman
1 copy to Court Administrator

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LINDA L. MOORE and SCOTT J.

MOORE, husband and wife,

Plaintiffs

vs.

No. 02 - 1723 C.D.

ALLSTATE INSURANCE COMPANY,

ALLSTATE INSURANCE COMPANY

SPECIAL INVESTIGATIONS UNIT,

STATE PUBLIC ADJUSTING

COMPANY, and GREGORY R. BOEHM,

Defendants

PRAECIPE TO MARK CASE WITHDRAWN

TO WILLIAM A. SHAW, PROTHONOTARY

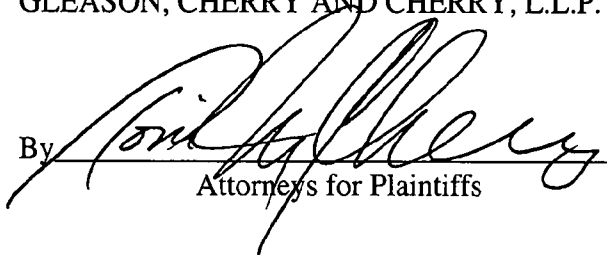
Sir:

Please mark the above-captioned case withdrawn.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Plaintiffs

Date: June 9, 2005

FILED

acc
m/10:28 AM
JUN 13 2005

Atty T. Cherry
copy to C/A

William A. Shaw
Prothonotary/Clerk of Courts (62)

FILED

JUN 13 2005

William A. Shaw
Prothonotary/Clerk of Courts