

negligence to establish the duty owed by the defendant to the plaintiffs and the facts of a breach which give rise to the injuries sustained. *Pike County Hotels Corp. v. Kiefer*, 262 Pa. Super. 126, 134, 396 A.2d 677, 681 (1978). Paragraph 10 must be amended to specifically allege in what manner Alice was negligent in entrusting her vehicle to Dirk.

Paragraph 12 likewise lacks specificity. Summerized, it alleges plaintiffs (a) have suffered and will suffer serious physical injuries with resulting continuing problems of various sorts; (b) have been obligated for medical expenses as defined in 40 P.S. Sec. 1009.301(a)(5)(b) amounting to more than \$750 and so forth; (c) may be obligated to pay for future medical expenses; and (d) have incurred and may incur additional expenses other than medical expenses.

In paragraph 12 (a) defendants should know at least the severity of the injuries, *Walk v. Russell*, 10 D&C3d 330, 338 (Cumberland 1979), and a medical diagnosis of the nature of the injuries (lacerations, bruises, fractures, etc.) *Petrasko v. Fellin*, 60 Luzerne L.R. 186, 188 (1969). See also *Price*, supra, at 527.

Paragraphs 12(b) and (c) must be amended since the defendants are entitled to know the type and source of the medical treatment and expenses each plaintiff has undergone. *Plummer v. Dansky*, 16 D&C3d 734, 739 (Mercer 1980), and the amounts already expended for hospitals, medicines, x-rays, etc. and to whom these amounts have been paid together with the facts relied upon to conclude that similar expenses may be required in the future. *Price*, supra, at 528; *Hinkel v. Beiting*, 69 D&C 129 (Fulton 1949).

In paragraph 12(d) plaintiffs claim they may have to expend additional "substantial expenses." Plaintiffs are required to amend this portion of the complaint to allege the nature and extent of these additional expenses. *Laurson v. General Hospital of Monroe County*, 259 Pa. Super. 150, 160, 393 A.2d 761 766 (1978).

Paragraph 13 contains an allegation that as a result of the injuries received, William Brady has suffered a loss of earnings in excess of \$15,000 and an undetermined loss of earning capacity which will continue indefinitely into the future. This is an insufficient pleading. To recover for loss of earnings and impairment of earning capacity, plaintiff must plead how much he lost as a result of the accident. *Theal v. Confer*, 7 D&C3d 614, 619 (Perry 1978), and must specify what his salary was before the accident, how the injuries have impaired his ability to work, and how much time has been lost. *Walk*, supra, at 339.

An allegation that loss of earning capacity will continue in-

definitely into the future does not appraise defendants whether or not the loss is permanent, nor the facts upon which such a conclusion is based. *Bodes v. Smith*, 28 Som. 41, 47-48 (1972). Plaintiffs are required to amend Paragraph 13.

ORDER OF COURT

March 1, 1984, Defendants' Motion to Strike paragraph 12 and the motions for More Specific Pleadings as to paragraphs 10, 12(a) (b) (c) (d) and 13 are granted.

The Plaintiffs are granted 20 days from the date of this Order to file an amended complaint conforming to this Opinion.

COMMONWEALTH V. ZAMIAS, C.P., Franklin County Branch, No. 60-1983

Criminal Law - Summary Conviction - Appeal - Discovery - Number of Citations Issued

1. A request to discover copies of all citations issued during a certain time and at certain places is denied in that no discovery is available in a summary case.
2. Rule 305 of Pa. R.Crim.P. applies only to discovery in court cases.
3. An appeal into Court does not change the nature of a summary case into a Court case.

James M. Schall, District Attorney, Attorney for Commonwealth

Martin Nadorlik, Esquire, Attorney for Defendant

OPINION AND ORDER

EPPINGER, P.J., March 2, 1984:

This appeal from a summary conviction is now before the court and on defendant's request for pretrial discovery. Samuel C. Zamias was arrested for speeding after he was timed from a Pennsylvania State Police aircraft. He now asks the District Attorney to produce, or make available for copying, copies of all citations issued by three State

Troopers from noon to 12:30 p.m. on April 23, 1983, for offenses occurring at or about mile post 161.0 on the Pennsylvania Turnpike. He also wants the total number of citations issued by the troopers during the hours of 9:45 a.m. to 12:30 p.m. on that date in the same area.

The District Attorney filed an answer denying the relevance of the information and stating that the disclosure of the information is not required by Pa.R.Crim.P. 305. This was followed by a motion of the defendant for a hearing which we deny.

The information which the defendant requests is not discoverable under Rule 305 which applies only to court cases. Historically there is no pretrial discovery in criminal cases. 10A P.L.E. Criminal Law Sec. 447, p. 187; *Comm. v. Wable*, 382 Pa. 80, 86, 114 A2d 334, 338 (1955); *Lewis v. Lebanon Co. Court of Common Pleas*, 436 Pa. 296, 300, 260 A.2d 184, 187 (1969). This was changed when the Supreme Court adopted Rule 305 but discovery under that rule is limited to court cases. A court case is defined in Pa.R.Crim.P. 3 as a case in which one or more of the offenses charged is a misdemeanor, felony or murder of the first or second degree. Before us, however, is a summary case, which is also defined in Rule 3 as being one in which the only offenses charged are summary offenses. The fact that the case is before the court on appeal does not change its nature from a summary case to a court case.

ORDER OF COURT

March 2, 1984, the Petition to Compel Discovery is denied.

DODD V. DODD, C.P., Franklin County Branch, No. F.R. 1981 - 234-S

Support - Separation Agreement - Amendment

1. Where a separation agreement provided for support payments with the issue of child support to be submitted to the Court by Stipulation and Agreement and an appropriate order entered thereon, until further Order of Court, the Court has authority to amend the Order.

2. *Millstein v. Millstein and Brown v. Hall* do not apply where a separation agreement does not cover all aspects of the parties economic relationships.



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