

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

ANTHONY WILLIAMS,

Plaintiff

vs.

WILLIAM S. STICKMAN,
SUPT., et al.,

Defendants

NO. GD06-002480

ORDER OF COURT

On this 1 day of May, 2006, it appearing that plaintiff's complaint does not contain facts setting forth a cause of action that would have an arguable basis in law or in fact, petitioner's complaint is dismissed pursuant to Pa.R.C.P. No. 240(j).

BY THE COURT:



WETTICK, A.J.

MEMORANDUM AND ORDER OF COURT

WETTICK, A.J.

Pa.R.C.P. No. 240(j) provides that if a party has filed a petition to proceed *in forma pauperis*, the court, prior to acting upon the petition, may dismiss the action if the action lacks an arguable basis either in law or in fact.

Plaintiff's complaint raises a claim against prison officials to recover the value of personal property that broken when was entrusted to these prison officials.

Claims against a municipal official are barred by the Sovereign Immunity Act unless the claims come within one of the eight exceptions to governmental immunity set forth in 42 Pa.C.S. §8542(b).¹ The only possible exception to sovereign immunity is the exception set forth in §8542(b)(2) covering the care, custody, or control of personal property. However, this provision does not apply to harm to personal property; it applies to the situation in which property held by the Commonwealth causes injury to persons or other property. See *Bronson v. Ehnnot*, 48 D.&C.3d 580 (Montgomery County Common Pleas Court, 1988).

Since plaintiff's complaint lacks an arguable basis either in law or fact, I enter the following Order of Court:

¹Under 42 Pa.C.S. §8545, an employee of a local agency is liable only to the same extent as his or her employing agency.