

cc  
106.00

# Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

Franklin

County

For Prothonotary Use Only:

PROTHONOTARY  
FRANKLIN COUNTY PA

Docket No:

2016-553

2016 FEB 12 PM 4:01

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

TIMOTHY S. SPONSELLER  
PROTHONOTARY

DEPUTY JM

## Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition  
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:  
Courtney Breese

Lead Defendant's Name:  
Theresa Allocca

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits  
☒ outside arbitration limits  
(check one)

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney:

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

### TORT (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other  
\_\_\_\_\_  
☐ Employment Dispute:  
Discrimination  
☐ Employment Dispute: Other  
\_\_\_\_\_  
☒ Other:  
Reward  
\_\_\_\_\_

### CIVIL APPEALS

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other  
\_\_\_\_\_  
☐ Zoning Board  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### MASS TORT

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### REAL PROPERTY

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:  
\_\_\_\_\_  
\_\_\_\_\_

### PROFESSIONAL LIABILITY

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional:  
\_\_\_\_\_  
\_\_\_\_\_

PROTHONOTARY  
FRANKLIN COUNTY PA

2016 FEB 12 PM 4:01

IN THE COURT OF COMMON PLEAS OF THE 39<sup>TH</sup>  
JUDICIAL DISTRICT OF PENNSYLVANIA

TIMOTHY S. SPONSELLER  
PROTHONOTARY

Franklin County Branch

DEPUTY SM

COURTNEY BREESE and  
JAMIE BREESE,  
Plaintiffs

CIVIL ACTION - LAW

v.

No. 2016 - 553

THERESA ALLOCCA  
Defendant

Judge Todd M. Sponseller

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following page, you must take action within twenty (20) days after this complaint and notice 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 other 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Franklin County Bar Association Find A Lawyer Service  
100 Lincoln Way East, Suite E  
Chambersburg, PA 17201  
Telephone: 717-660-2118  
[www.franklinbar.org/find](http://www.franklinbar.org/find)

The Court of Common Pleas of Franklin County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and

reasonable accommodations available to disabled individuals having business before the court, please contact the office of the Court Administrator. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**IN THE COURT OF COMMON PLEAS OF THE 39<sup>TH</sup>  
JUDICIAL DISTRICT OF PENNSYLVANIA**

**Franklin County Branch**

COURTNEY BREESE and  
JAMIE BREESE,  
Plaintiffs

v.

THERESA ALLOCCA  
Defendant.

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CIVIL ACTION - LAW

No. 2016 - *553*

Judge:

**COMPLAINT**

Plaintiffs, Courtney Breese and Jamie Breese, husband and wife, through their undersigned counsel, file the within Complaint upon the following causes of action:

**Parties, Jurisdiction and Venue**

1. Plaintiffs, Courtney Breese and Jamie Breese, husband and wife, (hereinafter collectively the "Breese") are adult residents of Franklin County, Pennsylvania.
2. Defendant, Theresa Allocca, (hereinafter "Mrs. Allocca") is an adult resident of the state of Maine.
3. This action involves a breach of contract for an award that was offered by Mrs. Allocca and duly accepted and fully performed by Plaintiffs in Franklin County, Pennsylvania.
4. Jurisdiction and venue are appropriate in Franklin County, Pennsylvania.

**COUNT I – BREACH OF CONTRACT**

5. On January 4, 2014, Timothy Austin ("Asti") Davison was traveling on Interstate

81, Northbound from Florida to his home in Maine, when in the early morning hours, traveling through Maryland, he was confronted by an angry driver – a person later determined by information given by the Breese to be John Wayne Strawser (hereinafter “Strawser”).

6. Strawser ran Asti off the road, and returned to ultimately shoot and kill Asti in the median just outside of Greencastle, Pennsylvania.
7. There were no immediate, substantial leads indicating who may have committed the murder.
8. The Pennsylvania Crime Stoppers organization offered a \$10,000.00 reward for tips leading to the arrest of the murderer.
9. Asti's mother, Mrs. Allocca, appeared in dozens of news reports and created a website, [www.justiceforasti.com](http://www.justiceforasti.com), and a Facebook page, [www.facebook.com/justice.forasti](http://www.facebook.com/justice.forasti), repeatedly offering a reward to entice any person with knowledge to come forward with information that could lead to an arrest, soliciting “[a]ny info that leads to the arrest of the person who murdered Timothy ‘Asti’ Davison on 1/4/15” and “[l]ooking for information that leads to the arrest of the person who murdered Timothy ‘Asti’ Davison on 1/4/14.”
10. Eventually, by January, 2015, the reward offered by Defendant, funded by contributions solicited by Mrs. Allocca through her media and social media outreach, had risen to \$50,000.00, and ultimately to \$52,000.00.
11. Mrs. Allocca announced the increased reward in a January, 2015 news report as an additional incentive to coax someone to respond

12. Trooper Rob Hicks of the Pennsylvania State Police, explained the increased reward was to persuade potential tipsters to come forward despite some negative consequences.
13. Mrs. Allocca thus specifically offered the reward to encourage and incentivize someone – even a reluctant possessor of relevant knowledge – to come forward with the information.
14. Crime Stoppers and law enforcement authorities investigating the murder received and investigated hundreds (perhaps over a thousand) tips, but none led authorities anywhere close to solving the crime.
15. In April, 2015, more than a year and three months after the murder, the Breese saw a news report that Strawser had been arrested for the murder of a West Virginia woman.
16. The Breese were shocked at the possibility that Strawser was capable of murder.
17. In light of this new view of Strawser, the Breese began to reflect on the events of Asti's murder, and recalled that Strawser had sent threatening messages on the same evening, which they had not heeded as serious.
18. The Breese began to review news stories of Asti's murder and realized that Strawser drove a pickup truck that may have matched the description of the truck that had been reported in the news.
19. The Breese also realized that their vehicle, a silver Honda Pilot, is similar in appearance to the silver Mitsubishi Montero reportedly driven by Asti on the night of the murder.

20. Plaintiff, Jamie Breese, had been casually following the news story about Mr. Davison's murder, as it had been widely reported, and was aware that Crime Stoppers and the Mrs. Allocca were offering rewards for information leading to the arrest of the murderer.
21. Although it seemed somewhat implausible to the Breese at the time, they determined to contact the authorities and share the information they had in case it may be related to the murder of Asti as they may have been his real targets.
22. After the Breese contacted the Pennsylvania State Police in mid-April, 2015 to share what they knew, they continued to cooperate in the investigation, providing detailed information about every aspect of their relationship with Strawser, what happened on the night of the murder, and other information that connected Strawser with the murder of Asti.
23. The Breeses' tips directly led authorities to determine that Strawser was the man who murdered Asti.
24. In September, 2015, authorities announced that Strawser had been arrested for Asti's murder.
25. In a September 21, 2015 news report, Mrs. Allocca remarked, "it looks like a slam-dunk case" against Strawser.
26. On the same day, Mrs. Allocca posted on the Facebook page, [www.facebook.com/justice.forasti](http://www.facebook.com/justice.forasti), "Good news! The Pennsylvania State Police have identified the killer and will be having a news conference at 2:00 pm today. Rest easy that the killer is off the streets." Thus, her quest for justice for Asti was

at an end with the arrest of Strawser.

27. In another news report published on the same day, Mrs. Allocca stated, "We're feeling relieved that the person is off the streets, in jail, we know who did it. ... I hope the community can heal after this now that they know they have this guy ... I hope they can go back to feeling safe in the community."
28. The Breese had fully performed on the terms of the reward by coming forward with information that led to the arrest of Strawser, the man who murdered Asti, and, thus earned the \$52,000.00 reward, as well as the \$10,000.00 reward offered from Crime Stoppers.
29. Crime Stoppers immediately recognized the Breeses' indispensable contribution to the arrest of Strawser and paid the Breeses the \$10,000.00 reward.
30. Mrs. Allocca, however, refused to honor the reward because of her anger at the Breese waiting so long to come forward.
31. The Breese made several attempts to contact Mrs. Allocca to claim the reward and resolve the matter, but Mrs. Allocca has not responded.
32. By failing to pay the reward to the Breese, Mrs. Allocca has breached the reward contract, which she offered and the Breese accepted by providing the information that led to Strawser's arrest.
33. In performing on Mrs. Allocca's offer of reward, the Breese have put themselves at risk by standing up to the man who previously threatened them, who probably intended to kill them, and who has already been arrested for the murder of two people.



34. As such, the Breese have been damaged by Defendant's breach and are entitled to judgment for the full amount of the reward.

WHEREFORE, Plaintiffs Courtney Breese and Jamie Breese demand judgment against Theresa Allocca in the amount of \$52,000.00, plus interest, plus all costs and expenses of suit, including reasonable attorneys' fees, and such other and further relief as the nature of this cause may require.

**SHARPE & SHARPE, LLP**

By 

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I hereby verify that the facts set forth in the foregoing instrument are true and correct to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to Authority, as authorized by the Judicial Code and Pennsylvania Rules of Civil Procedure.

Date: 2-8-16

  
Courtney Breese