

Scaife

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

RICHARD M. SCAIFE,

Plaintiff,

v.

MARGARET R. SCAIFE,

Defendant.

FAMILY DIVISION

Case No. FD 06-002384-001

**ANSWER TO COMPLAINT IN
DIVORCE AND COUNTERCLAIM**

Filed on behalf of Defendant:
MARGARET R. SCAIFE

Counsel for this party:

GARY G. GENTILE, ESQUIRE
PA. I.D. NO. 15086

GOLDBERG, GRUENER, GENTILE,
HOROHO & AVALLI, P.C.
310 Grant Street, Suite 230
Pittsburgh, PA 15219

Telephone: 412/261-9900
Facsimile: 412/261-7100

and

WILLIAM PIETRAGALLO, II, ESQUIRE
PA. I.D. NO. 16413

PIETRAGALLO, BOSICK & GORDON
One Oxford Centre - 38th Floor
301 Grant Street
Pittsburgh, PA 15219-1407

Telephone: 412/263-2000
Facsimile: 412/261-5295

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FD-05-022384

ORIGINAL

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

RICHARD M. SCAIFE,)	FAMILY DIVISION
)	
Plaintiff,)	
)	
v.)	Case No. FD 06-002384-001
)	
MARGARET R. SCAIFE,)	
)	
Defendant.)	

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at 1st Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

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.

LAWYER REFERRAL SERVICE
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 261-5555

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

RICHARD M. SCAIFE,)	FAMILY DIVISION
)	
Plaintiff,)	
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v.)	Case No. FD 06-002384-001
)	
MARGARET R. SCAIFE,)	
)	
Defendant.)	

ANSWER TO COMPLAINT IN DIVORCE AND COUNTERCLAIM

NOW COMES, the Defendant, MARGARET R. SCAIFE, by and through her attorneys, Gary G. Gentile, Esquire and Goldberg, Gruener, Gentile, Horoho & Avalli, P.C. and William Pietragallo, II, Esquire and Pietragallo, Bosick and Gordon, and files the within Answer to Complaint in Divorce and Counterclaim and in support thereof avers the following:

I. ANSWER TO COMPLAINT IN DIVORCE

1.-10. The Pennsylvania Rules of Civil Procedure do not require an Answer to the allegations of a Complaint in Divorce in that Pa.R.C.P. 1920.14(a) provides that averments in such a Complaint are deemed denied unless admitted.

II. COUNTERCLAIM

COUNT I - ALIMONY PENDENTE LITE/SPOUSAL SUPPORT

11. Defendant, MARGARET R. SCAIFE, hereby incorporates Paragraphs 1 through 10 of the Answer to Complaint in Divorce and Counterclaim as if the same were fully set forth herein.

12. Defendant is a financially dependent spouse and has been throughout the marriage.

13. Plaintiff is the beneficiary of various trusts from which he derives substantial income and cash flow.

14. Defendant lacks sufficient property and has no income source to support herself.

15. Defendant requires and requests alimony *pendente lite* and spousal support consistent with her statutory legal entitlement.

16. Plaintiff's sources of income and earning capacity are considerably greater than that of the Defendant, who has no earnings or earning capacity.

17. Attached hereto, made a part hereof and identified as Exhibit "A" is the Family Division Information Sheet as required by Local Rule of Court and the allegations contained thereon are incorporated herein.

WHEREFORE, Plaintiff, MARGARET R. SCAIFE, requests this Honorable Court to enter an Order for Alimony Pendente Lite/Spousal Support consistent with her statutory entitlement pursuant to the law of the Commonwealth of Pennsylvania.

COUNT II – ALIMONY

18. Defendant, MARGARET R. SCAIFE, hereby incorporates Paragraphs 1 through 17 of the Answer to Complaint in Divorce and Counterclaim as if the same were fully set forth herein.

19. Defendant lacks and will lack in the future sufficient, if any, income and property to provide for her support.

WHEREFORE, Defendant, MARGARET R. SCAIFE, requests this Honorable Court to award permanent alimony to Defendant pursuant to the Pennsylvania Divorce Code.

**COUNT III - INJUNCTION FROM DISSIPATION
OF PROPERTY PENDING SUIT**

20. Defendant, MARGARET R. SCAIFE, hereby incorporates Paragraphs 1 through 19 of the Answer to Complaint in Divorce and Counterclaim as if the same were fully set forth herein.

21. The marital property of the parties and other property of the parties is subject to the jurisdiction of this Court and held in *custodia legis* pursuant to 23 Pa.C.S.A. § 3104(a).

22. The removal from this jurisdiction, transfer, disposal, alienation, encumbrance, sale, and/or dissipation of marital assets by the Plaintiff would be detrimental to the rights of the Defendant and would defeat the intent of the Pennsylvania Divorce Code, all of which would irreparably harm the Defendant.

WHEREFORE, Defendant, MARGARET R. SCAIFE, pursuant to the Pennsylvania Divorce Code, requests this Honorable Court to issue an injunction against the Plaintiff enjoining the removal, transfer, disposal, alienation, encumbrance, sale and/or dissipation of any marital asset and to grant such other relief to the Defendant as this Court deems reasonable and appropriate to protect the marital assets and prevent prejudice to Defendant's pending claims.

COUNT IV- INSURANCE AND OTHER BENEFITS

23. Defendant, MARGARET R. SCAIFE, hereby incorporates Paragraphs 1 through 22 of the Answer to Complaint in Divorce and Counterclaim as if the same were fully set forth herein.

24. It is believed that there may exist certain contracts or policies of insurance insuring the life of the Plaintiff and insurance coverage for health and medical expenses.

25. Defendant believes and therefore avers that there may exist other benefits of which Defendant is designated as beneficiary.

26. Said contracts of insurance and other benefits are vital to the Defendant to insure her support and maintenance and other such costs and expenses should the Plaintiff die or if the Defendant should become ill.

WHEREFORE, Defendant, MARGARET R. SCAIFE, requests this Honorable Court to order Plaintiff to maintain unencumbered and unpledged the said contracts or policies of life and medical insurance and the other said benefits for the Defendant during the pendency of this action and to order the Plaintiff to permanently maintain such policies of insurance and benefits thereafter.

**COUNT V- EXCLUSIVE POSSESSION AND/OR USE
AND ACCESS TO THE PARTIES' RESIDENCES**

27. Defendant, MARGARET R. SCAIFE, hereby incorporates Paragraphs 1 through 26 of the Answer to Complaint in Divorce and Counterclaim as if the same were fully set forth herein.

28. Defendant currently resides at 613 Pitcairn Place, Pittsburgh, Pennsylvania. Plaintiff currently resides at 5201 Westminister Place, Pittsburgh, Pennsylvania. Throughout the marriage, Defendant had total and ongoing access and use of not only 613 Pitcairn Place, but also the parties' various homes at Nantucket, Massachusetts, Pebble Beach, California and Ligonier, Pennsylvania.

29. Plaintiff has the financial resources to replace, substitute or duplicate all of said properties.

WHEREFORE, Defendant, MARGARET R. SCAIFE, requests this Honorable Court award her and/or otherwise preserve her exclusive right to occupy 613 Pitcairn Place, Pittsburgh, Pennsylvania, and to have continued and ongoing use of their various homes at Nantucket, Massachusetts, Pebble Beach, California and Ligonier, Pennsylvania in such manner as the Court deems reasonable and appropriate.

COUNT VI- COUNSEL FEES, COSTS AND EXPENSES

30. Defendant, MARGARET R. SCAIFE, hereby incorporates Paragraphs 1 through 29 of this Complaint in Divorce as if the same were fully set forth herein.

31. Defendant has employed both the Law Firm of Goldberg, Gruener, Gentile, Horoho & Avalli, P.C. and the Law Firm of Pietragallo, Bosick & Gordon, and will be put to considerable expense in the preparation of this case, in the employment of counsel, appraisers and/or valuers and the payment of legal fees, costs and expenses related to this case.

32. Defendant has, to date, employed the services of Brabender Mascetta, LLC and will need to retain the services of additional qualified experts for purposes, including but not limited to, calculating disposable income, valuing the parties' assets, including but not limited to Plaintiff's separate estate and any marital component thereof, art work, antiques, personalty and real estate, and the tracing of the use and dissipation of marital funds.

33. Defendant is without sufficient funds independent of support from Plaintiff/Husband to pay the above-mentioned legal and expert fees, costs and expenses related to this action; while at the same time, the Plaintiff has abundant means (estimated to be in excess

of \$1.4 to \$1.5 billion) to pay for any and all legal expense attendant to this litigation, with little or not net effect on his personal wealth.

WHEREFORE, Defendant, MARGARET R. SCAIFE, requests this Honorable Court to enter an Order awarding her the payment of legal fees, costs and expenses by Plaintiff.

COUNT VII – ADVANCED DISTRIBUTIONS OF MARITAL PROPERTY

34. Defendant, MARGARET R. SCAIFE, hereby incorporates Paragraphs 1 through 33 of this Complaint in Divorce as if the same were fully set forth herein.

35. Defendant avers and will prove at the hearing herein that Defendant and Plaintiff, severally and/or jointly, acquired substantial assets and property during the course of their marriage over which Plaintiff has retained exclusive control and use, specifically, but not limited to, income sources, investments and other liquid funds.

36. Defendant avers that she has retained little or none of said above-referenced assets of the parties which, Defendant believes and therefore avers, operates to her prejudice.

37. This Court, pursuant to 23 P.S. C.S.A. § 3502(f), specifically authorizes and empowers this Court consistent with 23 P.S. C.S.A. § 3501 of the Divorce Code, to advance to the parties portions of the marital estate over which they can maintain custody and control.

38. Defendant believes, and therefore avers, that the marital and non-marital estate approximate \$1.4 to \$1.5 billion over which Plaintiff exercises ongoing and exclusive control.

WHEREFORE, Defendant, MARGARET R. SCAIFE, respectfully requests this Honorable Court to advance to her a portion of the marital assets and property in order to permit her to be competitive in this litigation and exercise control, similar to Plaintiff, over a portion of the marital estate.

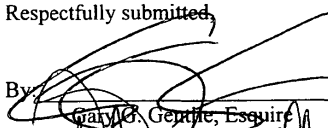
WHEREFORE, Defendant, MARGARET R. SCAIFE, respectfully requests this

Honorable Court to:

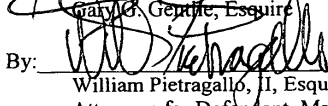
- A. Award Defendant alimony *pendente lite*/spousal support/alimony in such sum and for such duration as the Court deems appropriate consistent with the circumstances and the law of the Commonwealth of Pennsylvania.
- B. Issue an injunction against the Plaintiff restraining him from dissipating, alienating, removing, transferring or encumbering any marital asset to the prejudice of Defendant and such other relief or remedy as equity and justice requires against either party or against any third party over whom this Court has jurisdiction or any third party who attempts to interfere with the implementation of this Court's Orders;
- C. Order the Plaintiff to maintain unencumbered and unpledged certain contracts and policies of insurance and other benefits for the Defendant;
- D. Award to Defendant exclusive occupancy of [REDACTED] Pitcairn Place, Pittsburgh, Pennsylvania, and use and access of the parties' other properties as is reasonable and appropriate, and without conflict to the timing of use;
- E. Order Plaintiff to pay Defendant's legal fees, costs and expenses incident to the claim in this divorce action;
- F. Award Defendant an advance of the marital assets to permit her to be competitive in this litigation and exercise control, similar to Plaintiff, over a portion of the marital estate.
- G. Order such other relief, either legal or equitable, as the Court deems necessary and appropriate under the facts of this case and the law of the Commonwealth of Pennsylvania; and
- H. Issue injunctions or other Orders which are necessary to protect the interests of the parties or to effectuate the purposes of the Pennsylvania Divorce Code and such other relief or remedy as equity and justice requires against either party or against any third party over whom this court has jurisdiction;

Respectfully submitted,

By:


Gary D. Gentile, Esquire

By:


William Pietragallo, II, Esquire
Attorneys for Defendant, Margaret R. Scaife

Allegheny County Court of Common Pleas, Family Division
Attorney Intake Information Questionnaire/Data Sheet

4-4-06
10:45 AM

FOR OFFICE USE ONLY
Docket #: 06-02384-001
PACSES Case #: 677108037
Other State id #:

02653
1.40
FEB 10 2006

Beneficiary Type: AFDC Non_AFDC IV-E
FEE PAID: Y N N/A

FAMILY DIVISION DRS

Plaintiff's/Caretaker's Information:

Plaintiff's relationship to child(ren):
Name (Last, First, Middle): Scarife, Margaret R.
Maiden Name/Alias: Margaret R. Scarife
Address: 613 Pittcairn Place
City: Pittsburgh State: PA Zip: 15232 Home Phone: 412-
SSN: DOB: / / 1947
Physical Description: Sex: F Race: W Ht. Wt. Eye Color: Hair Color:
Distinguishing marks:

Plaintiff's mother's maiden name:
Plaintiff's Attorney: Gary G. Gentile & William Pietrangallo II
Attorney address: 310 Grant Street, Pittsburgh PA 15219 Phone #: 412-261-9900
Employer name: n/a Phone#:
Employer address: Date of employment:
Medical Insurance Carrier name: Carrier Phone #:
Medical Insurance Carrier's address:
Policy # Date coverage began: Cost:

Employer provided: (yes) (no)
Marital Status with respect to Defendant: X Married X Separated Single
Date married: 6-1-1991 Date of separation: TBD Date of divorce: n/a
State married in: Pennsylvania State divorced in: n/a
Relative/Friend's name: Phone #: Relationship to Plaintiff:



Defendant's information:

Defendant's relationship to child(ren) (biological father/alleged father/other): _____
Name (Last, First, Middle): SCAIFE Richard M.
Address: Westminster Place
City: Pittsburgh State: PA Zip: 15232 Home Phone: _____
SSN: _____ DOB: 1932 Race: W HI: _____ Eye color: _____
Physical Description: Sex: M Race: W HI: _____ Wt: _____ Hair color: _____
Distinguishing marks: _____
Is Defendant incarcerated now? (Yes) (no) Prison (if known) _____ Release date _____
Military information - Branch of Service NA Service # _____ Pay grade _____
Defendant's mother's maiden name: _____ Defendant's father's name: _____
Defendant's Attorney: Reld B. Roberts
Attorney's address: Four Gateway Center, 444 Liberty Ave, Suite 2200 phone#: 412-
Pittsburgh, PA 15219 phone#: _____
Employer name: _____ Date of employment: _____
Employer address: _____ (yes) (no) Driv. Lic number _____
Occupation: _____ Self-employed: (yes) (no) Driv. Lic number _____
Medical Insurance Carrier name: _____ Carrier phone #: _____
address: _____
Policy # _____ Date coverage began _____ Cost _____
Employer provided _____ (yes) (no)
Relative/Friend's name: _____ phone #: _____
address: _____ Relationship to Det _____
Defendant's other income (interest, unemployment comp, workman's comp): Source(s): T&D
Amount: _____
Defendant's other assets (property, savings accounts, etc.): _____
Defendant's vehicle information: model _____ make _____ title no. _____ year _____
license tag _____ value (approximate) _____

Allegheny County Court of Common Pleas, Family Division
Application for Child or Spousal Support

Date rec'd in DRS _____ AFDC _____ Non-AFDC _____ IV-E

(please print clearly)

Name of applicant/custodian Margaret R. Scaife
Social Security number (SSN) [REDACTED]
Name of non-custodial parent(s) _____

I request child/spousal support services from Allegheny County Domestic Relations Section

Margaret R. Scaife _____ 2-10-06
Applicant Signature Date

In the Court of Common Pleas of Allegheny County, Family Division
Complaint for Support

Margaret R. Scaife Plaintiff
vs
Richard M. Scaife Defendant

Plaintiff seeks support for the following persons: Plaintiff is is not receiving public assistance in the amount of \$ _____ per month for the support of:

1 <u>Margaret R. Scaife</u>	1
2	2
3	3
4	4
5	5

Plaintiff is receiving additional income in the amount of \$ _____ from: _____

A previous support order was entered against the Defendant on _____ in an action at _____ in the amount of \$ _____ for the support of: _____

There _____ are _____ are no arrears in the amount of \$ _____. The order _____ has _____ has not been terminated.

Plaintiff last received support from the Defendant in the amount of \$ _____ on _____.

WHEREFORE, Plaintiff requests that an order be entered against Defenant and in favor of the Plaintiff and the aforementioned child(ren) for reasonable support and medical coverage.

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa.C.S. § 4909, relating to unsworn falsification to authorities.

X Ritchie R. S. mes.
Plaintiff
Margaret B. Scaife
Date 2-10-06

NOTICE

Guidelines for child and spousal support, and for alimony pendente lite, have been prepared by the Court of Common Pleas and are available for inspection in the Office of the Domestic Relations Section.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

RICHARD M. SCAIFE,)
)
Plaintiff,)
)
v.) Case No. FD 06-002384-001
)
MARGARET R. SCAIFE,)
)
Defendant.)

VERIFICATION

I, MARGARET R. SCAIFE, the Defendant in the above-captioned matter, hereby verify that the statements contained in the foregoing *Answer to Compliant in Divorce and Counterclaim* are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

May 10, 2007
DATE

Margaret R. Scaife
MARGARET R. SCAIFE, Defendant