


**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION**

<p>ALEXANDRIA PASSE, on behalf of herself and others similarly situated,</p> <p style="text-align: center;">Plaintiffs</p> <p style="text-align: center;">v.</p> <p>500 JANSEN, INC. (d/b/a “Lou Turk’s”), THE SADDIC FAMILY LIMITED PARTNERSHIP, and CHRISTOPHER L. SADDIC,</p> <p style="text-align: center;">Defendants</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>MARCH TERM, 2016</p> <p>NO. 01416</p> <p>COMMERCE PROGRAM</p> <p>CONTROL NO. 16042433</p> <p>Passe Vs 500 Jansen, In-WSTOJ</p>  <p style="text-align: center;">16030141600039</p> <p style="text-align: right;">RECEIVED OCT 1 8 2016 ROOM 521</p>
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ORDER

AND NOW, this *8th* day of October, 2016, upon consideration of defendant’s preliminary objection to improper venue, and any response thereto, it is hereby

ORDERED

that the objection is **SUSTAINED** and the above captioned matter is transferred to Delaware County.¹ The parties are to share the cost of transfer equally.

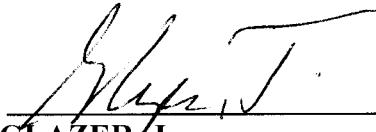
¹ Pursuant to Pa. R.C.P. § 1028(a)(1) a party may file a preliminary objection on the basis of improper venue. When the defendant is a corporation or similar entity, venue is proper in a county where the entity regularly conducts business. Id. § 2179(a)(2).

To determine whether an entity regularly conducts business in a county, Pennsylvania courts analyze the entity’s contacts in the county with a quantity-quality analysis. Purcell v. Bryn Mawr Hosp., 579 A.2d 1282, 1285 (Pa. 1990). A business contact meets the quality test if it is essential to the corporation’s business objectives. Id. The quantity test focuses on whether the contact is “so continuous and sufficient to be general or habitual.” Id. When deciding whether an entity’s contacts meet this test, a trial court is given “considerable discretion . . . and the standard of review is one of abuse of discretion.” Id. 1284.

In Purcell, our Supreme Court found a trial court did abuse its discretion and reversed the court’s decision that Bryn Mawr Hospital’s (“BMH”) contacts with Philadelphia County were sufficiently regular to subject it to venue there. Id. at 1286. In that case, BMH had contractual relations with Philadelphia residency programs, employed Philadelphia residents, purchased goods from businesses in Philadelphia, advertised in Philadelphia, and accepted a portion of its income from Philadelphia residents. Id. at 1284.

Defendants operate an adult entertainment/exotic dance club located in Essington, Delaware County, and their contacts in Philadelphia are even fewer than BMH’s contacts. Plaintiffs argue that defendants’ contacts meet

BY THE COURT:



GLAZER, J.

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the quantity-quality test because about one third of defendants' dancers are from Philadelphia, and that the dancers are integral to defendants' business. That argument conflates the issues plaintiffs will argue at trial with the issue of venue before this court today. This court will not adjudicate the dispute over plaintiffs' employment status in defendants' business – clearly a trial issue in this class action – today, but notes that recruiting and hiring employees from Philadelphia was not enough to subject BMH to venue in Philadelphia.

It appears defendants send dancers to the Philadelphia Wing Bowl each year, and plaintiffs cite that action as proof that defendants' contacts with Philadelphia are sufficient to confer venue. Although the annual Wing Bowl is clearly a highlight in the Philadelphia social calendar, the contact is not sufficiently significant to meet the quality-quantity test enunciated in Purcell. Therefore, Defendant's preliminary objection is sustained and this case is transferred to Delaware County.