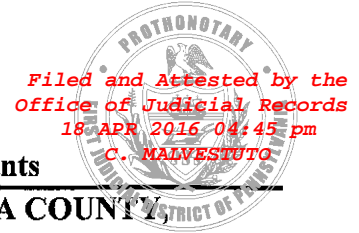


MUSI, MALONE & DAUBENBERGER, LLP
By: Thomas A. Musi, Jr., Esquire
Attorney ID No. 75950
21 West Third Street
Media, PA 19063
610-891-8806



Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
PENNSYLVANIA; CIVIL ACTION – LAW

ALEXANDRIA PASSE, on behalf of herself :
and others similarly situated :
Plaintiff :
Case ID: 160301416
v. :
500 JANSEN, INC. (d/b/a “Lou Turk’s”), :
THE SADDIC FAMILY LIMITED :
PARTNERSHIP, and CHRISTOPHER L. :
SADDIC, :
Defendants. :

NOTICE PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 1028

Notice is hereby given in accordance with Pennsylvania Rule of Civil Procedure 1028 that Preliminary Objections of Defendants to Plaintiff’s Complaint were filed in the office of the Prothonotary on 4/18/16 and a Memorandum in Support was filed on 4/18/16. You are advised that a Reply Memorandum must be filed within twenty (20) days of this 4/18/16 which is no later than 5/8/16.

Respectfully submitted,

By: Thomas A. Musi, Jr.
Thomas A. Musi, Jr., Esquire

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
PENNSYLVANIA; CIVIL ACTION – LAW**

**ALEXANDRIA PASSE, on behalf of herself
and others similarly situated** :
 :
 Plaintiff :

v. :

Case ID: 160301416

:
 500 JANSEN, INC. (d/b/a “Lou Turk’s”), :
 THE SADDIC FAMILY LIMITED :
 PARTNERSHIP, and CHRISTOPHER L. :
 SADDIC, :
 Defendants. :

ORDER

AND NOW, this _____ day of _____ 2016, upon consideration of the Preliminary Objections to Venue, it is hereby **ORDERED** and **DECREED** said Preliminary Objections are sustained and venue is transferred from Philadelphia County, PA to Delaware County, PA.

BY THE COURT:

J.

MUSI, MALONE & DAUBENBERGER, LLP

By: Thomas A. Musi, Jr., Esquire

Attorney ID No. 75950

21 West Third Street

Media, PA 19063

610-891-8806

Attorney for Defendants

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
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ALEXANDRIA PASSE, on behalf of herself :
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500 JANSEN, INC. (d/b/a “Lou Turk’s”), :
THE SADDIC FAMILY LIMITED :
PARTNERSHIP, and CHRISTOPHER L. :
SADDIC, :
Defendants. :

PRELIMINARY OBJECTIONS TO VENUE

Defendants, by and through their attorney, Thomas A. Musi, Jr., Esquire, hereby file the within Preliminary Objections, and in support thereof, avers as follows:

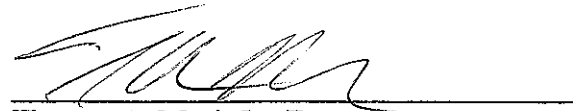
1. Plaintiff filed the instant action in Philadelphia County, Pennsylvania seeking damages for alleged PMWA Violations and PWPCL Violations against Defendants.
2. The alleged cause of action for this matter took place in Delaware County, Pennsylvania.
3. As alleged in paragraph 4 of Plaintiff’s Complaint, Defendant, 500 Jansen Inc. (d/b/a “Lou Turks”), is a Pennsylvania Corporate Entity located in Delaware County, Pennsylvania.
4. As alleged in paragraph 5 of Plaintiff’s Complaint, Defendant, The Saddic Family Limited Partnership, is a Pennsylvania Corporate Entity located in Delaware County, Pennsylvania.

5. As alleged in paragraph 6 of Plaintiff's Complaint, Defendant, Christopher L. Saddic, is an adult individual who currently resides in Delaware County, Pennsylvania.
6. Plaintiff has failed to allege that Defendants have a registered office in Philadelphia County, Pennsylvania.
7. Plaintiff has failed to allege that Defendants regularly conduct business in Philadelphia County, Pennsylvania.
8. Plaintiff has failed to allege that the cause of action arose in Philadelphia County, Pennsylvania.
9. Plaintiff has failed to allege that the any transaction or occurrence out of which the cause of action arose took place in Philadelphia County, Pennsylvania.
10. Defendants do not conduct business in Philadelphia County, Pennsylvania.
11. No transaction or occurrence took place in Philadelphia County, Pennsylvania.

WHEREFORE, Defendants respectfully requests that its Preliminary Objections be sustained and this action transferred to Delaware County, Pennsylvania.

Respectfully Submitted

Musi, Malone & Daubenger, LLP



Thomas A. Musi, Jr., Esq.
Attorney for Defendants

MUSI, MALONE & DAUBENBERGER, LLP

By: Thomas A. Musi, Jr., Esquire

Attorney ID No. 75950

21 West Third Street

Media, PA 19063

610-891-8806

Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
PENNSYLVANIA; CIVIL ACTION – LAW

ALEXANDRIA PASSE, on behalf of herself :
and others similarly situated :
Plaintiff :

v. : Case ID: 160301416

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THE SADDIC FAMILY LIMITED :
PARTNERSHIP, and CHRISTOPHER L. :
SADDIC, :
Defendants. :

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS’
PRELIMINARY OBJECTIONS FOR IMPROPER VENUE**

Defendants by and through their counsel, Thomas A. Musi, Jr., hereby file the instant Memorandum of Law in support of the preliminary objections to Plaintiff’s Complaint:

I. Factual/Procedural Background

Plaintiff filed the instant action in Philadelphia County, Pennsylvania seeking damages for alleged PMWA Violations and PWPCL Violations against Defendants. Plaintiff filed her complaint in Philadelphia County.

II. ISSUE

A. WHETHER PHILADELPHIA COUNTY IS THE PROPER VENUE FOR THIS MATTER?

Suggested Answer: NO

III. ARGUMENT

A. PHILADELPHIA COUNTY IS NOT THE PROPER VENUE FOR THIS MATTER. VENUE IS PROPER IN DELAWARE COUNTY.

Although a plaintiff, as a rule, may chose the forum in which to bring suit, that right is not absolute. *Zappala v. Brandolini Prop. Mgmt., Inc.*, 909 A.2d 1272, 1281 (2006). Pennsylvania Rule of Civil Procedure 1006 not only articulates where the plaintiff may bring the action, but also provides three distinct bases upon which a defendant may challenge the plaintiff's chosen forum: improper venue by preliminary objection, *forum non conveniens*, and inability to hold a fair and impartial trial. *Id.* Pa.R.C.P. 1006(d)(1) vests the trial court with considerable discretion in determining whether or not to grant a petition for change of venue, and the standard of review is one of abuse of discretion. *Purcell v. Bryn Mawr Hosp.*, 579 A.2d 1282, 1284 (Pa. Super. 1990). Only in such a case will the order be disturbed. *Id.* The applicant bears the burden of proving that a change of venue is necessary, while a plaintiff generally is given the choice of forum so long as the requirements of personal and subject matter jurisdiction are satisfied. "Each case must be based upon its own individual facts." *Zampana-Barry v. Donaghue*, 921 A.2d 500, 504 (Pa.Super.2007).

A party may file Preliminary Objections to any pleading where, *inter alia*, venue is improper. Pa. R.C.P. 1028. An action against an individual may be brought in and only in a magisterial district where: (1) the individual may be served, or (2) the cause of action arose, or (3) a transaction or occurrence took place out of which the cause of action arose. Pa. R.C.P. 1006. A personal action against a corporation or similar entity may be brought in and only in (1) the county where its registered office or principal place of business is located; (2) a county where it regularly conducts business; (3) the county where the cause of action arose; (4) a county where a transaction or occurrence took place out of which the cause of action arose, or (5) a county

where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property. See Pa. R.C.P. 2179.

Plaintiff filed the instant action in Philadelphia County, Pennsylvania seeking damages for alleged PMWA Violations and PWPCL Violations against Defendants. Plaintiff filed her complaint in Philadelphia County. The alleged cause of action for this matter took place in Delaware County. As alleged in paragraph 4 of Plaintiff's Complaint, Defendant, 500 Jansen Inc. (d/b/a "Lou Turks"), is a Pennsylvania Corporate Entity located in Delaware County, Pennsylvania. As alleged in paragraph 5 of Plaintiff's Complaint, Defendant, The Saddic Family Limited Partnership, is a Pennsylvania Corporate Entity located in Delaware County, Pennsylvania. As alleged in paragraph 6 of Plaintiff's Complaint, Defendant, Christopher L. Saddic, is an adult individual who currently resides in Delaware County, Pennsylvania.

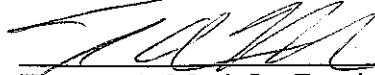
Plaintiff has failed to allege that Defendants have a registered office in Philadelphia County, Pennsylvania. Plaintiff has failed to allege that Defendants regularly conduct business in Philadelphia County, Pennsylvania. Plaintiff has failed to allege that the cause of action arose in Philadelphia County, Pennsylvania. Plaintiff has failed to allege that the any transaction or occurrence out of which the cause of action arose took place in Philadelphia County, Pennsylvania. Defendants were served in Delaware County. Defendants do not conduct business in Philadelphia County, Pennsylvania. No transaction or occurrence took place in Philadelphia County, Pennsylvania.

IV. CONCLUSION

WHEREFORE, Defendants respectfully requests that its Preliminary Objections be sustained and this action transferred to Delaware County, Pennsylvania.

Respectfully submitted,

MUSI, MALONE & DAUBENBERGER, L.L.P.



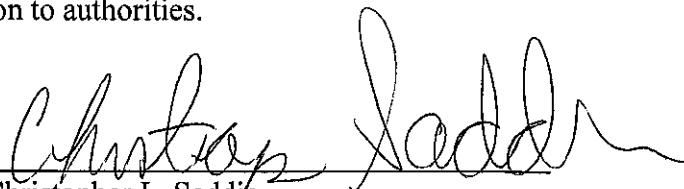
Thomas A. Musi, Jr., Esquire
Attorney for Defendants

Date: 4/18/16

VERIFICATION

I verify that the statements made in these Preliminary Objections are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

By:


Christopher L. Sadić

Date:

4-18-16

MUSI, MALONE & DAUBENBERGER, LLP
By: Thomas A. Musi, Jr., Esquire
Attorney ID No. 75950
21 West Third Street
Media, PA 19063
610-891-8806

Attorney for Defendants

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SADDIC, :
Defendants. :

CERTIFICATE OF SERVICE

I, Thomas A. Musi, Jr., Esq., hereby certify that I served a true and correct copy of the
Preliminary Objections to the following on 4/18/16 via regular mail to the
following:

Peter Winebrake
R. Andrew Santillo
Mark J. Gottesfeld
Winebrake & Santillo, LLC
715 Twinning Road, Suite 211
Dresher, PA 19025
Attorneys for Plaintiff

By: 

Thomas A. Musi, Jr., Esquire