

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 DELAWARE COUNTY, PENNSYLVANIA;
CIVIL ACTION – LAW**

ALEXANDRIA PASSE, on behalf of herself
and others similarly situated

Plaintiff

Case ID: 2016-10362

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 Judicial Support on 12/19/16 and a Memorandum in Support was filed on 12/19/16. You are advised that a Reply Memorandum must be filed within twenty (20) days of this 12/19/16 which is no later than 1/9/17.

Respectfully submitted,

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

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**ALEXANDRIA PASSE, on behalf of herself
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SADDIC,**
Defendants.

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ORDER

AND NOW, this _____ day of _____ 2016, upon consideration of the Preliminary Objections to Plaintiff’s Complaint, it is hereby **ORDERED** and **DECREED** said Preliminary Objections are sustained and all Counts against Defendants, Christopher Saddic and the Saddic Family Limited Partnership, are dismissed with prejudice.

BY THE COURT:

J.

MUSI, MALONE & DAUBENBERGER, LLP
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OFFICE OF
JUDICIAL SUPPORT
DELAWARE COUNTY

FILED

2016 DEC 19 PM 3:24

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DEFENDANTS' THE SADDIC FAMILY LIMITED PARTNERSHIP'S AND
CHRISTOPHER L. SADDIC'S, PRELIMINARY OBJECTIONS TO
PLAINTIFF'S COMPLAINT

Defendants, The Saddic Family Limited Partnership and Christopher L. Saddic, 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 PWPCV Violations against all three Defendants.
2. Defendants filed preliminary objections to venue, which were sustained and venue has subsequently been transferred to Delaware County.
3. Plaintiff alleges that Defendants violated the PMWA by failing to compensate Plaintiff and the class the legally mandated minimum wage for each hour worked at the Club.

4. Plaintiff also alleges Defendants violated the PWPCL by imposing impermissible pay deductions on Plaintiff and the class.

5. Based on the allegations, Plaintiff asserts claims direct against The Saddic Family Limited Partnership and Christopher L. Saddic, individually, despite the fact the 500 Jansen, Inc. (d/b/a "Lou Turks") is the business entity where Plaintiff alleges to have been employed.

6. Plaintiff lumps all of the Defendants together and asserts claims under the PMWA and the PWPCL against them.

I. PRELIMINARY OBJECTION IN THE NATURE OF A DEMURER FOR FAILURE TO STATE A CLAIM AGAINST CHRISTOPHER SADDIC, INDIVIDUALLY

7. Pennsylvania Rule of Civil Procedure 1028(a)(4) allows a party to file preliminary objections based on legal insufficiency of pleading.

8. Plaintiff must necessarily seek to pierce the corporate veil in order to prevail on its claims against the Individual Defendant. However, there is a "strong presumption in Pennsylvania against piercing the corporate veil." *Lumax Industries, Inc. v. Aultman*, 669 A.2d 893, 895 (Pa. 1995) (citing *Wedner v. Unemployment Board*, 296 A.2d 792, 794 (Pa. 1972)).

9. Piercing the corporate veil is the exception and should only be allowed in limited circumstances where the corporate entity is used to defeat public convenience, justify wrong, protect fraud or defend crime. *Good v. Holstein*, 787 A.2d 426,430 (Pa. Super. 2001); *Realvest, Inc. v. Avery Builders, Inc.*, 600 A.2d 601, 604 (Pa. Super. 1991).

10. Bare legal conclusions are insufficient to state claim based on a theory of piercing the corporate veil. To the contrary, a plaintiff is required to plead specifically what a defendant purportedly did to bring his/her actions within the parameters of a cause of action based on a theory of piercing the corporate veil. See *Lumax; Tunnell-Spangler & Associates, Inc. v. Katz*, 2004 WL 1632567 (Pa. Com. Pl. 2004); *City of Philadelphia v. Human Services Consultants, II*,

Inc., 2004 WL 717240 (Pa. Com. Pl. 2004); *JK Roller Architects, LLC v. Tower Investments, Inc.*, 2003 WL 1848101, *2-3 (Pa. Com. Pl. 2003).

11. Plaintiff's theory is supported by the following legal conclusions that Christopher L. Saddic is the corporate Secretary for Defendant, 500 Jensen, Inc., and has overseen the compensation policies and practices.

12. Plaintiff's Complaint fails to allege that Defendant Christopher Saddic acted directly or indirectly, in the interest of an employer in relation to any employee.

13. The allegations that the Defendant Christopher Saddic violated the PMWA and PWCPL are not supported by the facts in Plaintiff's Complaint. Under Pennsylvania's fact pleading system, these allegations are insufficient to sustain a claim based on the piercing of the corporate veil.

WHEREFORE, Defendant, Christopher L. Saddic, respectfully request that his Preliminary Objection be sustained and this action be dismissed with regard to Defendant, Christopher L. Saddic.

II. PRELIMINARY OBJECTION IN THE NATURE OF A DEMURER FOR FAILURE TO STATE A CLAIM AGAINST THE SADDIC FAMILY LIMITED PARTNERSHIP

14. Pennsylvania Rule of Civil Procedure 1028(a)(4) allows a party to file preliminary objections based on legal insufficiency of pleading.

15. Plaintiff must necessarily seek to pierce the corporate veil in order to prevail on its claims against the Individual Defendant. However, there is a "strong presumption in Pennsylvania against piercing the corporate veil." *Lumax Industries, Inc. v. Aultman*, 669 A.2d 893, 895 (Pa. 1995) (citing *Wedner v. Unemployment Board*, 296 A.2d 792, 794 (Pa. 1972)).

16. Piercing the corporate veil is the exception and should only be allowed in limited circumstances where the corporate entity is used to defeat public convenience, justify wrong, protect fraud or defend crime. *Good v. Holstein*, 787 A.2d 426,430 (Pa. Super. 2001); *Realvest, Inc. v. Avery Builders, Inc.*, 600 A.2d 601, 604 (Pa. Super. 1991).

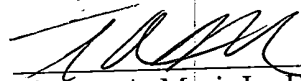
17. Bare legal conclusions are insufficient to state claim based on a theory of piercing the corporate veil. To the contrary, a plaintiff is required to plead specifically what a defendant purportedly did to bring his/her actions within the parameters of a cause of action based on a theory of piercing the corporate veil. *See Lumax; Tunnell-Spangler & Associates, Inc. v. Katz*, 2004 WL 1632567 (Pa. Com. Pl. 2004); *City of Philadelphia v. Human Services Consultants, II, Inc.*, 2004 WL 717240 (Pa. Com. Pl. 2004); *JK Roller Architects, LLC v. Tower Investments, Inc.*, 2003 WL 1848101, *2-3 (Pa. Com. Pl. 2003).

18. Plaintiff's Complaint fails to allege that Defendant, The Saddic Family Partnership, acted directly or indirectly, in the interest of an employer in relation to any employee.

19. The allegations that the Defendant, The Saddic Family Partnership, violated the PMWA and PWCPL are not supported by the facts in Plaintiff's Complaint. Under Pennsylvania's fact pleading system, these allegations are insufficient to sustain a claim based on the piercing of the corporate veil.

WHEREFORE, Defendant, The Saddic Family Limited Partnership respectfully requests that its Preliminary Objections be sustained and this action be dismissed with regard to Defendant, The Saddic Family Limited Partnership.

Respectfully Submitted
Musi, Malone & Daubenberg, LLP



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

12/19/16

pay deductions on Plaintiff and the class. Based on the allegations, Plaintiff asserts claims direct against The Saddic Family Limited Partnership and Christopher L. Saddic, individually, despite the fact the 500 Jansen, Inc. (d/b/a "Lou Turks") is the business entity where Plaintiff alleges to have been employed. Plaintiff lumps all of the Defendants together and asserts claims under the PMWA and the PWPCCL against them.

II. ISSUE

A. WHETHER PLAINTIFF'S COMPLAINT IS LEGALLY SUFFICIENT WITH REGARD TO DEFENDANTS, THE SADDIC FAMILY LIMITED PARTNERSHIP AND CHRISTOPHER L. SADDIC?

Suggested Answer: NO

III. ARGUMENT

A. PRELIMINARY OBJECTION IN THE NATURE OF A DEMURER FOR FAILURE TO STATE A CLAIM AGAINST CHRISTOPHER SADDIC, INDIVIDUALLY

Pennsylvania Rule of Civil Procedure 1028(a)(4) allows a party to file preliminary objections based on legal insufficiency of pleading. Plaintiff must necessarily seek to pierce the corporate veil in order to prevail on its claims against the Individual Defendant. However, there is a "strong presumption in Pennsylvania against piercing the corporate veil." *Lumax Industries, Inc. v. Aultman*, 669 A.2d 893, 895 (Pa. 1995) (citing *Wedner v. Unemployment Board*, 296 A.2d 792, 794 (Pa. 1972)). Piercing the corporate veil is the exception and should only be allowed in limited circumstances where the corporate entity is used to defeat public convenience, justify wrong, protect fraud or defend crime. *Good v. Holstein*, 787 A.2d 426,430 (Pa. Super. 2001); *Realvest, Inc. v. Avery Builders, Inc.*, 600 A.2d 601, 604 (Pa. Super. 1991). Bare legal conclusions are insufficient to state claim based on a theory of piercing the corporate veil. To the contrary, a plaintiff is required to plead specifically what a defendant purportedly did to bring

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Plaintiff's theory is supported by the following legal conclusions that Christopher L. Saddic is the corporate Secretary for Defendant, 500 Jensen, Inc., and has overseen the compensation policies and practices. Plaintiff's Complaint fails to allege that Defendant Christopher Saddic acted directly or indirectly, in the interest of an employer in relation to any employee. The allegations that the Defendant Christopher Saddic violated the PMWA and PWCPL are not supported by the facts in Plaintiff's Complaint. Under Pennsylvania's fact pleading system, these allegations are insufficient to sustain a claim based on the piercing of the corporate veil.

B. PRELIMINARY OBJECTION IN THE NATURE OF A DEMURER FOR FAILURE TO STATE A CLAIM AGAINST THE SADDIC FAMILY LIMITED PARTNERSHIP

Pennsylvania Rule of Civil Procedure 1028(a)(4) allows a party to file preliminary objections based on legal insufficiency of pleading. Plaintiff must necessarily seek to pierce the corporate veil in order to prevail on its claims against the Individual Defendant. However, there is a "strong presumption in Pennsylvania against piercing the corporate veil." *Lumax Industries, Inc. v. Aultman*, 669 A.2d 893, 895 (Pa. 1995) (citing *Wedner v. Unemployment Board*, 296 A.2d 792, 794 (Pa. 1972)). Piercing the corporate veil is the exception and should only be allowed in limited circumstances where the corporate entity is used to defeat public convenience, justify wrong, protect fraud or defend crime. *Good v. Holstein*, 787 A.2d 426,430 (Pa. Super. 2001);

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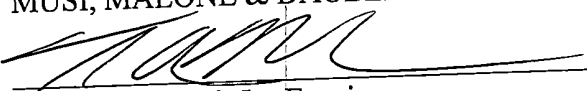
Plaintiff's Complaint fails to allege that Defendant, The Saddic Family Partnership, acted directly or indirectly, in the interest of an employer in relation to any employee. The allegations that the Defendant, The Saddic Family Partnership, violated the PMWA and PWCPL are not supported by the facts in Plaintiff's Complaint. Under Pennsylvania's fact pleading system, these allegations are insufficient to sustain a claim based on the piercing of the corporate veil.

IV. CONCLUSION

WHEREFORE, Defendants respectfully requests that their Preliminary Objections be sustained and claims against Christopher L. Saddic and the Saddic Family Limited Partnership be dismissed.

Respectfully submitted,

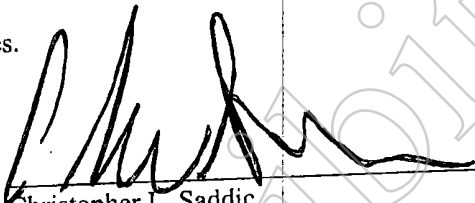
MUSI, MALONE & DAUBENBERGER, L.L.P.



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

Date: 12/19/16

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. Saddic

Date: 12/18/14

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