

KENISHA MATHIS	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY, PA
v.	:	CIVIL TRIAL DIVISION
	:	
ABC CAPITAL INVESTMENTS, LLC	:	
JEFF AND JANICE, LLC	:	
	:	
	:	No: 180301562

MEMORANDUM OF LAW

A default judgment may be opened when the moving party establishes three requirements: (1) a prompt filing of a petition to open the default judgment; (2) a meritorious defense; and (3) a reasonable excuse or explanation for its failure to file a responsive pleading. *Allegheny Hydro 1 v. Am. Line Bldrs.*, [722 A.2d 189](#), 191 (Pa.Super.1998) [754 A.2d 1282] (citing *Alba v. Urology Assocs. of Kingston*, [409 Pa.Super. 406](#), [598 A.2d 57](#), 58 (1991)). The standard of review for challenges to a decision concerning the opening of a default judgment is well-settled. In the case at bar, the Defendants have a meritorious defense based on the facts that will be proven in discovery.

Defendants ABC Capital were not served at its registered corporate headquarters’ office. Finally, given this prompt filing, meritorious defense, need for discovery, and extremely reasonable excuse for a failure to respond to a pleading, the judgment should be opened and discovery should proceed.

WHEREFORE, Defendants respectfully request the Court to grant the Petition to Open Judgment and allow ABC Capital Investments, LLC to file an Answer and New Matter within 20 days in this matter.

Respectfully Submitted,

SHULICK LAW

/s/ David T. Shulick

DAVID T. SHULICK, ESQUIRE
david@shulicklaw.com

Dated: 8/1/18

SHULICK LAW
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PETITION TO OPEN DEFAULT JUDGMENT

Defendants, ABC Capital Investments, LLC, by and through its undersigned Counsel, herein files a Petition to Open Judgment per the Rules of Civil Procedure, as follows:

1. Defendants are a Pennsylvania corporate or business entity acting by and through its agents, servants, workmen, officials and/or employees, and is authorized to conduct business as a bar/entertainment venue within the Commonwealth of Pennsylvania, with a registered corporate office headquarters at 2021 Arch Street, c/o: M.Burr Keim, Philadelphia, PA 19103.
2. Plaintiff filed a Complaint in or around March, 2018 and never effectuated proper service at the above corporate headquarters in Philadelphia.
3. This Court entered a Default Judgment in May, 2018.

5. Upon learning of same, Defendants ABC Capital Investments promptly obtained their current counsel, David Shulick, Esquire, who immediately filed this Petition To Open Default Judgment.

6. Based on this prompt petition and their more than reasonable defense, the default judgment should be vacated against these Defendants and the pending levy should be lifted immediately as placement of such levy is a constitutional violation.

7. Upon information and belief, and based on preliminary investigation, without wasting time to get this Motion filed expeditiously upon discovery of these issues, per the Rules of Civil Procedure and Pennsylvania case law, the discovery will prove that Plaintiff Kenisha Mathis is not entitled to judgment in this matter.

WHEREFORE, Defendants respectfully requests the Court to grant the Petition to Open Judgment and allow ABC Capital Investments, LLC to file an Answer and New Matter within 20 days in this matter.

Respectfully Submitted,

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/s/ David T. Shulick

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