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This is not an arbitration case.

Jury Trial Demanded

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STORM LOPEZ
P.O. Box 9773
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Plaintiff,

v.

MICHAEL CAGE
5020 Ogontz Avenue
Philadelphia, PA 19141

Defendant.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL DIVISION
OCTOBER TERM, 2018
NO.

NOTICE TO DEFEND

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance

AVISO

Lo(a) han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una

personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107-2911
Telephone: (215) 238-6333
TTY (215) 451-6197

comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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COMPLAINT—CIVIL ACTION

INTRODUCTORY STATEMENT

1. Evictions, particularly illegal evictions, are not merely a symptom American poverty but a cause. *See* Matthew Desmond, *Evicted: Poverty and Profit in the American City* (2016). Evicted tenants do not merely lose their homes. Eviction often causes them to lose their jobs, access to healthcare and schools, and even their personal belongings.

2. The experience of Plaintiff Storm Lopez—determined to be illegally evicted by a ruling of this Court—throws into sharp focus this cascading effect.

3. An illegal eviction forced Mr. Lopez out of the only place he had called home during his adult life. But the ripple effects went further, when his landlord changed the locks and then threw away nearly all Mr. Lopez's possessions during the illegal eviction, including the tens of thousands of dollars of DJ equipment that was the foundation of his livelihood.

4. Mr. Lopez now brings suit to remedy those harms.

PARTIES

5. Plaintiff Storm Lopez is a Philadelphia resident currently without a permanent address. He can be served in this matter through his attorney at the Public Interest Law Center, 1709 Benjamin Franklin Parkway, 2nd Floor, Philadelphia, PA 19103.

6. Defendant Michael Cage is a Philadelphia resident currently living at 5020 Ogontz Avenue, Philadelphia, PA 19141.

7. During all relevant times, Mr. Cage was the owner of 326 N. Preston Street, Philadelphia, PA 19104 (the "Property").

FACTS

Plaintiff Moves Into 326 N. Preston Street

8. Mr. Lopez is a well-known DJ in Philadelphia who until recently was able to support himself and pay his bills playing at weddings, parties, and other social events.

9. In 2001, he moved into the Property and entered into a written lease with Mr. Cage. *See Ex. A.*

10. Mr. Lopez lived on the second and third floors of the Property for seventeen years.

11. The apartment had multiple habitability issues during Mr. Lopez's long tenancy, almost all of which Mr. Lopez repaired himself at his own expense.

12. In fact, Mr. Lopez invested thousands of dollars of his own money into the Property to renovate the kitchen and bathroom, repair leaks in the ceiling, replace the floors, and fix plumbing issues.

Mr. Cage Demands that Mr. Lopez Leave the Property

13. In September of 2017, Mr. Cage told Mr. Lopez that he planned to sell the Property and that Mr. Lopez had thirty days to leave.

14. The two entered into negotiations to have Mr. Cage help Mr. Lopez find new housing and pay for the security deposit in a new apartment.

15. Mr. Cage even wrote Mr. Lopez a reference letter to prospective landlords saying that “Mr. Lopez has been a good tenant who pays his rent on time.” *See* Letter at Ex. B.

16. However, the negotiations fell apart after Mr. Cage filed for an eviction against Mr. Lopez in November 2017.

17. This eviction complaint led to at least one prospective landlord denying Mr. Lopez’s housing application.

Mr. Cage Illegally Evicts Mr. Lopez and Throws Out His Belongings

18. Mr. Lopez’s eviction hearing was scheduled for January 2, 2018.

19. Mr. Lopez did not appear for the hearing because Mr. Cage had called him the morning of the hearing and said the case had been withdrawn.

20. In fact, Mr. Cage had not withdrawn the eviction complaint and prosecuted the case against Mr. Lopez.

21. Consequently, Mr. Lopez had a default judgment entered against him in Municipal Court.

22. On January 15, 2018, without obtaining a writ of possession or alias writ, as required by law, Mr. Cage illegally evicted Mr. Lopez.

23. Mr. Cage or his agents changed the locks to the front door of the Property and to Mr. Lopez's apartment.

24. After returning home from being out, Mr. Lopez found that he was locked out of his home.

25. Starting that day, and continuing over the next six weeks, Mr. Lopez begged Mr. Cage to let him back into the apartment to get his belongings and return to his home in a series of phone calls and texts, but Mr. Cage did not let Mr. Lopez back into the Property.

26. During this time, Mr. Lopez slept in his car, was unable to work, and only received meals and showers through the good graces of his friends.

27. In his frantic attempts to regain possession of his home, Mr. Lopez filed a *pro se* motion to open the default judgment against him.

28. After the Municipal Court denied his petition to open the judgment against him, Mr. Lopez appealed the denial of the petition, again *pro se*.

29. Mr. Lopez was granted a hearing on his appeal before the Honorable Abbe F. Fletman.

30. At the hearing, Mr. Lopez learned that Mr. Cage and his agents threw away nearly all of Mr. Lopez's worldly belongings, including, but not limited to, personal documents, family pictures, furniture, clothes, an extensive collection of sneakers, and electronics.

31. Moreover, Mr. Cage threw away all of Mr. Lopez's expensive equipment related to his work as a DJ, including, but not limited to, headphones, speakers, microphones, subwoofers, cables, mixers, a piano, and a new laptop computer.

32. Judge Fletman found that Mr. Lopez had been illegally evicted, and that he had a right to assert a counterclaim against Mr. Cage. *See* Order at Ex. C. She therefore vacated the judgment and remanded the case to Municipal Court.

33. After the Court's Order, and nearly two months after Mr. Cage illegally evicted him from his home, Mr. Lopez was let back into the Property for only a few hours, at which time it was confirmed that Mr. Cage had thrown away nearly all of his belongings.

34. After this brief visit, Mr. Cage again locked Mr. Lopez out of the Property, despite the fact that Judge Fletman had vacated the judgment for money and possession previously entered against Mr. Lopez.

35. Upon remand, the Municipal Court scheduled a hearing on the merits of Mr. Cage's eviction complaint against Mr. Lopez for June 5, 2018.

36. Mr. Lopez appeared at that hearing, but Mr. Cage did not.

37. As a result, Mr. Lopez won a judgment by default against Mr. Cage. *See* Municipal Court Order at Ex. D.

38. Mr. Cage did not appeal the Municipal Court judgment.

The Devastating Economic and Emotional Consequences

39. As a result of the actions of the Defendant, Mr. Lopez lost nearly all of his personal belongings, including furniture, clothes, and family pictures.

40. Furthermore, Mr. Lopez lost his DJ equipment, which he acquired over the past fifteen years at a cost of tens of thousands of dollars.

41. The loss of his DJ equipment has robbed Mr. Lopez of his livelihood, as he has lost numerous clients and booking opportunities during the last eight months because of his inability to work without his equipment.

42. Mr. Lopez is still living with friends and is without permanent housing.

COUNT I: WRONGFUL EVICTION

43. Plaintiff incorporates paragraphs 1 through 42 by reference as if fully set forth herein.

44. An eviction is an act by a landlord or a third person that interferes with a tenant's possessory right to the demised premises.

45. If that act is wrongful, the tenant may sue for damages in contract or tort.

46. Mr. Cage wrongfully evicted Mr. Lopez, changing his locks and removing his possessions.

47. This conduct deprived Plaintiff of his possessory right to, and the quiet enjoyment of, the Property.

48. Mr. Cage's conduct was intentional, willful, wanton, and reckless.

49. As a result of Mr. Cage's conduct, Plaintiff suffered harm and damages.

WHEREFORE, Plaintiff demands judgment in his favor and against Michael Cage, including an award of actual damages, punitive damages, reasonable attorneys' fees and costs, and other such relief as the Court deems appropriate.

**COUNT II: UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION
LAW - VIOLATION OF 73 P.S. §§ 200, et seq.**

50. Plaintiff incorporates paragraphs 1 through 49 by reference as fully set forth herein.

51. The Pennsylvania Unfair Trade Practices and Consumer Protection Law ("UTPCPL") prohibits "[e]ngaging in . . . fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding," and "disparaging the goods, services or business of another by false or misleading representation of facts." 73 P.S. § 201-2(4).

52. The UTPCPL applies to residential leases.
53. Michael Cage violated the above provisions by, among other things:
- a. telling Mr. Lopez that he had withdrawn the eviction case, when in fact he had not;
 - b. illegally locking Mr. Lopez out of his Property without notice and contrary to Pennsylvania law; and
 - c. throwing away Mr. Lopez's possessions without notice and contrary to Pennsylvania law.
54. Plaintiff reasonably relied on the implied and actual representations of Mr. Cage.
55. As a result of the misrepresentations and deceptive conduct of Mr. Cage, Plaintiff

suffered ascertainable losses, including, but not limited to, economic loss from his personal belongings, lost wages, and out of pocket expenses.

56. The UTPCPL establishes a private right of action which provides for trebled damage and attorney's fees and costs. 73 P.S. § 201-9.2(a).

WHEREFORE, Plaintiff demands judgment in his favor and against Mr. Cage, including an award of treble damages, reasonable attorneys' fees and costs, and other such relief as the Court deems appropriate.

COUNT III: CONVERSION

57. Plaintiff incorporates paragraphs 1 through 56 by reference as if fully set forth herein.

58. Conversion is "the deprivation of another's right of property in, or use or possession of, a chattel, or other interference therewith, without the owner's consent and without lawful justification." *Stevenson v. Economy Bank of Ambridge*, 197 A.2d 721, 726 (1964).

59. Here, Mr. Cage removed and then discarded all of Mr. Lopez's personal and professional belongings when he had no consent or legal right to do so.

60. As a result of the deprivation of his Property, Plaintiff suffered significant damages, including the loss of his personal property and lost wages.

WHEREFORE, Plaintiff demands judgment in his favor and against Michael Cage, including an award of actual damages, punitive damages, reasonable attorneys' fees and costs, and other such relief as the Court deems appropriate.

JURY DEMAND

61. Plaintiff demands a trial by jury on all appropriate issues.

Dated: October 10, 2018

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