

EXHIBIT G

1 IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
2 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
3 CIVIL TRIAL DIVISION

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4 MICHAEL CAGE, : MARCH TERM, 2018
5 Plaintiff, :
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vs.

6 STORM LOPEZ, :
7 Defendant. : NO. 01779

8 - - -

10 Room 426, City Hall
11 Philadelphia, Pennsylvania

12 - - -

13 Monday, March 26, 2018

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15 B E F O R E:

16 THE HONORABLE ABBE F. FLETMAN, J.

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18 Motion

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1 APPEARANCES:

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3 MICHAEL CAGE, Pro se Plaintiff

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5 STORM LOPEZ, Pro se Defendant

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PLAINTIFF'S EVIDENCE

- - -

WITNESS: DR CR RDR RCR

- - -

DEFENDANT'S EVIDENCE

- - -

WITNESS: DR CR RDR RCR

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EXHIBITS

- - -

NO.	DESCRIPTION	MARKED	ADMIT.
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(Proceedings commenced.)

- - -

THE COURT OFFICER: Next case is Michael Cage versus Storm Lopez. Case number 180301779.

Would you both raise your right hands please?

. . .MICHAEL CAGE, after having been first duly sworn, was examined and testified as follows:

. . .STORM LOPEZ, after having been first duly sworn, was examined and testified as follows:

MR. LOPEZ: Storm Lopez, L-O-P-E-Z.

THE COURT OFFICER: Sir, please.

MR. CAGE: Michael Cage.

THE COURT: Thank you, Mr. Lopez, Mr. Cage. Good afternoon. You can be seated. Just give me a second, I just want to pull up the court record.

Mr. Lopez, are you -- I understand this is your emergency motion to reenter, and that you're saying all of your possessions are in the property?

1 MR. LOPEZ: Yes, ma'am.

2 THE COURT: Are you asking me to
3 reinstate you in the property?

4 MR. LOPEZ: Yes, I need to get my
5 belongings.

6 THE COURT: You just want to go and get
7 your belongings.

8 MR. LOPEZ: Well, I was not evicted. He
9 illegally locked me out. I have a police
10 report and I have a rule from another judge
11 from February 1st, which he also ignored.

12 THE COURT: Well, the rule was for the
13 hearing.

14 MR. LOPEZ: This rule for February 1st
15 was to stay, that the landlord had to let me
16 back up to the property, and once I got this
17 ruling, I took it to the police department,
18 the community relations. We called Mr. Cage
19 on the phone. He answered the phone, and he
20 ignored the rule.

21 THE COURT: Do you have a copy of the
22 rule?

23 MR. LOPEZ: Yes, I do.

24 THE COURT: Let Mr. Cage see it.

25 MR. LOPEZ: And on another date I went to

1 the police department, and I have that here.

2 THE COURT: All right. So, Mr. Lopez,
3 you can be seated. So that was just -- you
4 filed a petition to open the judgment in
5 municipal court. So the judge stayed the
6 proceedings until you had your hearing on your
7 petition to open.

8 So you had a hearing on that, on
9 March 15th but your petition was denied, so
10 the stay was no longer effective. He had a
11 writ of possession, that allows him to take
12 possession of the property.

13 MR. LOPEZ: I never got -- I was never
14 evicted. I never got an eviction notice.
15 That part of the paperwork was never done.

16 THE COURT: Well, how did you end up no
17 longer being in the property?

18 MR. LOPEZ: He changed the locks one day
19 when I went in the house. I went to the store
20 and he changed the locks. I have a police
21 report right here.

22 THE COURT: When did that happen?

23 MR. LOPEZ: January 15th.

24 THE COURT: You've been out of the
25 property since January 15th?

1 MR. LOPEZ: My medication, my credit
2 cards, my bank cards, my bed, my means of
3 employment, I can't -- I haven't worked.

4 THE COURT: Let me see your police
5 report. Did you show that to Mr. Cage? Well,
6 what was the basis of your petition to open?

7 MR. LOPEZ: You mean the judgment?

8 THE COURT: Yes.

9 MR. LOPEZ: Because I've been living at
10 the said address for 17 years. He gave -- he
11 explained to me that he wanted to sell this
12 property and I had 60 days to vacate the
13 property. And I tell him, Well, my lease
14 isn't over until January 21st. And he says,
15 Well, I don't care about that, I'm trying to
16 sell my property.

17 THE COURT: Do you have a written lease?

18 MR. LOPEZ: Yes, we have a written lease.

19 THE COURT: And the written lease is with
20 Mr. Cage.

21 MR. LOPEZ: I'm not sure. But even
22 still, ma'am.

23 THE COURT: Well, who's the lease with?

24 MR. LOPEZ: With me and Mr. Cage, yes.

25 THE COURT: Okay. Do you have a copy of

1 it?

2 MR. LOPEZ: Yes, I do. So once he tells
3 me I have to vacate the property, because he
4 gave me the situation abruptly, he said he
5 would help me with a deposit for my new home.
6 So we were --

7 THE COURT: May I see the lease?

8 MR. LOPEZ: We were in agreement. So I
9 explained to him that I needed reference
10 letters to my up and coming landlords. He
11 gave me that on October 30th. After talking
12 to him and telling him that he still owed me
13 the last month and security deposit, he gave
14 me the letter on October 30th. I can show you
15 that letter, too.

16 THE COURT: Well, Mr. Lopez, he filed an
17 action against you, and there was a judgment
18 by default. That judgment was in -- it,
19 basically, said you hadn't been paying rent
20 for some period of time and you owed \$2,295.
21 Do you disagree with that?

22 MR. LOPEZ: Yes. Yes. Because when he
23 entered the motion on November 5th, I had just
24 given him rent on October 21st. And then he
25 gave me the letter on October 30th that said I

1 was a good tenant for -- since 2000.

2 Once I asked Mr. Cage that I needed my
3 last month and security deposit back, that's
4 when he filed the motion for the judgment on
5 November 5th. So he gave -- he gives me the
6 letter around November 3rd, and he files the
7 motion November 3rd or November 5th. So he
8 gives me a reference letter and then files a
9 motion so he doesn't have to pay me for my
10 last month and security.

11 Then, once I tried to get a new property,
12 I have a judgment against my name. And I
13 never knew because he just gave me a letter
14 saying I was a great tenant --

15 THE COURT: Did you pay the November
16 rent?

17 MR. LOPEZ: No, I didn't pay November's
18 rent. But he spoke with me last month. He
19 said I owed him for two months' rent. He owed
20 me the security deposit and for the last
21 month. I gave him the money on October 21st
22 I have the letter and I have text messages
23 when I text him and asked him --

24 THE COURT: So you lived there in
25 November without paying rent?

1 MR. LOPEZ: Yes.

2 THE COURT: And in December without
3 paying rent?

4 MR. LOPEZ: No. Well, December we were
5 at the point where he owed me the last month
6 and security, and he did not agree to give it
7 back to me.

8 And then, on January 1st, he turns the
9 water off. Then he locks me out without
10 telling me, and I'm begging Mr. cage, Can I
11 just please, can you remove the judgment so we
12 can leave on good terms? Because you're
13 holding me up.

14 He said he wants me out of the property
15 so he can sell the property. But he has a
16 judgment against me which makes it difficult
17 to move because potential landlords are
18 looking at your record to see if you have --

19 THE COURT: Oh, I understand.

20 MR. LOPEZ: So it's difficult. I don't
21 understand. I was saying to Mr. Cage, I've
22 made repairs on the property for 18 years.
23 Because when I moved in --

24 THE COURT: Why don't you go to court
25 in -- why didn't you go to court on

1 January 2nd when you had a trial on this
2 motion?

3 MR. LOPEZ: This is when he -- he turned
4 off the water on January 1st, and I explained
5 to him, he knows I have a medical condition
6 that requires me to use water every day. And
7 in addition to my religious practices, where I
8 have to wash before I pray. I have a
9 condition which -- a hemorrhaging condition
10 and I have to use water every day, and he
11 turned the water off on January 1st. And I'm
12 guessing it was a ploy to get me out of the
13 property.

14 And later on -- later on he said the
15 number's coming after the case is over --
16 after I didn't show up for the case.

17 THE COURT: Okay. Mr. Cage?

18 MR. CAGE: Your Honor, I'm sitting here,
19 it's all preposterous. I never turned the
20 water off in his apartment, number one --

21 THE COURT: When did you evict him?

22 MR. CAGE: I evicted him on January 2nd,
23 the time when the court ordered this judgment.

24 THE COURT: But you didn't have --

25 MR. CAGE: And what he did, he abandoned

1 the property. So as a result of abandoning
2 the property --

3 THE COURT: Just give me a second here.
4 You evicted him on January 2nd?

5 MR. CAGE: That's when we went to court,
6 that's when I received judgment.

7 THE COURT: When did you change the lock
8 -- how did you get him out of the property?

9 MR. CAGE: He left of his own volition.
10 He left.

11 THE COURT: And did you, at some point,
12 change the locks?

13 MR. CAGE: I did.

14 THE COURT: When?

15 MR. CAGE: I changed the locks on or
16 around January 15th.

17 THE COURT: And by what right did you
18 change the locks?

19 MR. CAGE: Well, I talked to my attorney,
20 and my attorney advised me --

21 THE COURT: Well, you don't want to tell
22 this court what you and your lawyer said to
23 each other. Who was your lawyer?

24 MR. CAGE: Alex Snyder.

25 THE COURT: Where is Mr. Lopez's things?

1 MR. CAGE: Well, there really are no
2 things left. I left pictures of the things
3 that he left in the apartment.

4 THE COURT: That didn't respond to my
5 question, where are his things?

6 MR. LOPEZ: I had the apartment cleaned.

7 THE COURT: So you got rid of his
8 possessions?

9 MR. CAGE: I did. And I advised him. I
10 asked him to come get his possessions, of
11 which he just ignored me. I didn't just
12 willy-nilly throw his things away. I asked
13 him to come to get what was left, and he never
14 responded.

15 THE COURT: All right. Mr. Lopez.

16 MR. LOPEZ: Your Honor, I asked him over
17 50 times, Can I have my belongings? And he
18 told me, no, contact his lawyer. And his
19 lawyer was not the most pleasant person on the
20 phone with, we had a bad connection. The
21 lawyer says, you need to fix your crappy
22 phone. And I'm, like -- into our conversation
23 about the quality of my phone.

24 He was very rude to me on the phone, and
25 did not -- he said, well, you've got to talk

1 to Mr. Cage about getting your things back.
2 When I explained it to him, I need -- I'm a
3 DJ, my MacBook Pro is in my house, my
4 turntables are in there. Everything that I
5 use to DJ every weekend -- I have not worked
6 since January 14th because he's holding my
7 stuff hostage, Your Honor. I don't know why
8 they would throw computers in the trash and
9 turntables in the trash. Sofa.

10 My bed, my sofa, everything -- my
11 clothes, everything's in the house. I had
12 40,000 records, those were the first things
13 that I moved out of the house because I knew
14 my time to leave the property was coming. So
15 I moved all of my records out while me and Mr.
16 Cage was still trying to hash things out.

17 And then he turned the water off, and he
18 was not willing to give me my money. And I
19 continued to ask him, please remove the
20 judgment. I just want to get out of your
21 property so I can move on with my life. And
22 Mr. Cage refused to remove the judgment. He
23 said to me, Well, if you leave, I will remove
24 the judgment, but he never did. He never
25 removed the judgment.

1 He removed the judgment because he gave
2 me a letter of opportunity, and I can show
3 this letter to Your Honor. He gave me the
4 letter saying that I was in good standing for
5 20 years.

6 THE COURT: Well, you have to show it to
7 him first and then the Court. This doesn't
8 have a date, though.

9 MR. LOPEZ: He asked me for specifics in
10 the letter.

11 THE COURT: When -- what's the date of
12 this letter?

13 Mr. Cage, did you throw out his MacBook
14 and his turntables and everything --

15 MR. CAGE: No, none of that was present,
16 Your Honor. I have pictures of what was in
17 the apartment.

18 THE COURT: Show your pictures to
19 Mr. Lopez and then I'll look at them.

20 MR. LOPEZ: No, this is not --

21 THE COURT: I didn't --

22 MR. LOPEZ: I'm sorry. What are these
23 pictures of?

24 THE COURT: You'll have a chance to
25 respond.

1 MR. CAGE: They are pictures of the
2 apartment as I found it after he abandoned the
3 apartment.

4 THE COURT: And when was that?

5 MR. CAGE: That was on February --
6 February 3rd, February 4th. If I can just
7 back up a moment. As far as the so-called
8 agreement, if you saw that, that was in 2000
9 for one year.

10 THE COURT: Right. It was month to month
11 after that?

12 MR. CAGE: Yeah, exactly. Right. So I
13 was well within my rights, in terms of giving
14 him the 90 days, and asking him to vacate
15 before I proceeded with the eviction.

16 THE COURT: But what you were not within
17 your rights to do was to admittedly evict him
18 before you had a writ of possession.

19 MR. CAGE: I did have a writ of
20 possession.

21 THE COURT: Well, sir, not according to
22 the time frame that you gave me. You admitted
23 to ejecting him before you had a writ.

24 MR. CAGE: I received the writ of
25 possession on, it appears, January 22nd.

1 THE COURT: Just give me a second; I'm
2 sorry.

3 MR. CAGE: On or around January 22nd.

4 THE COURT: Do you have the writ, because
5 it's not on the docket until -- I'm sorry; you
6 said you received it January 22nd?

7 MR. CAGE: On or around.

8 THE COURT: Yes. And you testified that
9 you changed the locks on January 15th.

10 MR. CAGE: Okay. I'm not exactly sure of
11 the --

12 THE COURT: You can't do that.

13 MR. CAGE: -- when I changed the locks.

14 THE COURT: Because he now has a claim
15 against you for his -- for his possessions
16 that you got rid of, and what I'm -- so I'm
17 granting the emergency motion to reenter. I'm
18 permitting you to change the locks. I'm
19 sending you back to municipal court for a
20 hearing on where you are to go from here, and
21 you can go talk to someone in room 278 about,
22 you know, what you might need to file.

23 Because, I mean, he's clearly gotten rid
24 of your things. I can't order them back into
25 existence, and I would, if you-all can -- I

1 mean, I appreciate that you both are acting
2 civilly and with decorum here in court. I
3 mean, maybe I can't order you to do it, but
4 perhaps the two of you can talk with one
5 another and see if you can work something out,
6 because it seems like there could potentially
7 be some kind of resolution.

8 So is --

9 MR. CAGE: Your Honor, just in terms of
10 clarification, I do have a \$2,200 judgment; is
11 that correct?

12 THE COURT: No, I just opened that
13 judgment, you do not have a judgment.

14 MR. CAGE: I do not have a judgment?

15 THE COURT: I'm sending you back -- I'm
16 remanding this back to municipal court for a
17 new hearing in which Mr. Lopez can assert a
18 counter-claim against you for the disposal of
19 his property. And I am finding, based on the
20 testimony that was in front of me, that you
21 improperly evicted him because you evicted him
22 before you had a writ of possession.

23 So that's the Court's ruling. I have
24 ruled. You are excused.

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(Proceedings concluded.)

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CERTIFICATION

1
2
3 I hereby certify that the proceedings and
4 evidence are contained fully and accurately in
5 the notes taken by me on the trial of the
6 above cause, and that this copy is a correct
7 transcript of the same.
8
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14 JANENE L. LENOX
15 Official Court Reporter
16
17

18 (The foregoing certification of this
19 transcript does not apply to any reproduction
20 of the same by any means unless under the
21 direct control and/or supervision of the
22 certifying reporter.)
23
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25

EXHIBIT H

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

CAGE

v.

LOPEZ

:
: No. 180301779
:
:
:

ORDER

AND NOW, this 26th day of March 2018, upon consideration of defendant's Emergency Motion to Re-Enter and after a hearing, is hereby ORDERED that the motion is GRANTED. Petitioner Lopez's appeal also is GRANTED. Having found that respondent Cage illegally evicted Mr. Lopez before he obtained a writ of possession, and having found that Mr. Lopez timely filed his appeal and asserted a meritorious defense, the judgment below is VACATED and Mr. Lopez is granted leave to file a counterclaim concerning Mr. Cage's disposal of Mr. Lopez's belongings.

This matter is remanded to Municipal Court for a hearing on the merits of the case.

BY THE COURT:

Alise F. Fo
J.

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Cage Vs Lopez-ORDRF



18030177900013

Case ID: 180301779
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EXHIBIT I



**PHILADELPHIA MUNICIPAL COURT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

1339 Chestnut Street, 10th Floor, Philadelphia, PA 19107

Marsha H. Neifield, President Judge

John J. Joyce, Deputy Court Administrator

LT-17-11-16-5020

Michael Cage
5020 Ogontz Ave
Philadelphia, PA 19141

Storm Lopez
326 N Preston St 2nd Floor
Philadelphia, PA 19104

Plaintiff

Defendant(s)

Alex Shnyder

Plaintiff/Attorney

Attorney # 312609

**Address &
Phone**

175 BUSTLETON PIKE
FEASTERVILLE, PA 19053
215-322-0411

ORDER

AND NOW, to wit this 5th day of June, 2018, upon consideration of the above captioned complaint, it is hereby ordered and decreed that the above captioned case be marked as follows:

Judgment for Defendant by Default.

BY THE COURT:

C. McGrath (T. Diaz) **J.**