

ROSA CORREA and
MICHAEL HAMILTON

Plaintiffs,

v.

ABC CAPITAL INVESTMENTS LLC, et al.

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL DIVISION
NOVEMBER TERM, 2018
NO. 181101533

ORDER

AND NOW THIS ___ day of _____, 2019, upon consideration of Plaintiffs Rosa Correa and Michael Hamilton's Motion to Compel Responses to Plaintiffs' First Set of Document Requests and Written Interrogatories and for Sanctions against Defendants, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that:

1. Defendants are directed to respond to the relevant document requests and interrogatories pursuant to this Court's previous Order within ten (10) days; and
2. Plaintiffs are awarded, and Defendants ABC Capital Investments LLC, ABC Capital Realty LLC, and SAAT Investments LLC must pay Plaintiffs \$500.

BY THE COURT:

, J.

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NOTICE OF PRESENTATION

TO: Andrew Swain
Christopher Bradley
The Swain Law Firm, P.C.
2410 Bristol Road
Bensalem, PA 19020
Attorneys for Defendants

PLEASE TAKE NOTICE that Plaintiffs' Motion to Compel Responses to Plaintiffs' First Set of Document Requests and Written Interrogatories and for Sanctions against Defendants will

be presented to the Court on _____, 2019 at ____ a.m./p.m., Courtroom ____,
City Hall, Philadelphia, Pennsylvania. A copy of the motion is attached.

Dated: August 19, 2019

/s/ George A. Donnelly, Esq.
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PLAINTIFFS' MOTION TO COMPEL RESPONSES AND FOR SANCTIONS

Plaintiffs Rosa Correa and Michael Hamilton (“Plaintiffs”) hereby move this Court to compel Defendants’ responses to the Plaintiffs’ Request for Documents and Written Interrogatories and sanction Defendants for violating this Court’s May 8, 2019 Order.

I. BACKGROUND

1. On May 8, 2019 this Court, for a second time, ordered Defendants to comply with certain of Plaintiffs’ discovery requests. *See* Tr. at Ex. A.

2. Defendants were required to comply with Plaintiffs' requests by May 29.

3. To date, Defendants have not provided the required responses to Plaintiffs' discovery requests, despite numerous emails from Plaintiffs' counsel inquiring about the status of these answers. *See* Ex. B.

II. ARGUMENT

4. The information Plaintiffs seek has already been deemed relevant by the Court.

5. Specifically, Plaintiffs seek:

a) Communications and documents relating to the maintenance of the Property whose condition is a subject of this dispute;

b) Insurance policies and documents related to the purchase and sale of the Property;

c) Documents showing that Defendants complied with city and state licensing requirements;

d) Information about the fees paid between Defendants as part of their property management agreement; and

e) Certain narrow information about Defendants' corporate structure, business organization, management, and adherence to corporate formalities.¹

6. Despite the Court's two orders, and Plaintiffs' repeated requests, Defendants again have failed to provide or respond to any of the requested documents.

7. Counsel for Plaintiffs certify that they corresponded in good faith to resolve this discovery matter with Defendants, but despite their good faith attempts to resolve this dispute, have been unable to do so.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that this Court enter an Order compelling Defendants' answers to Plaintiffs' discovery within ten days of the date

¹ For the Court's reference, a copy of Plaintiffs' First Request for Production of Documents to Defendants, revised and re-delivered following the Court's May 8 hearing, is attached as Ex. C.

of the Court's Order, enter sanctions against Defendants and order them to pay Plaintiffs \$500, and grant such other and further relief as this Court deems just and proper.

Dated: August 19, 2019

/s/ George A. Donnelly, Esq. _____
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**ATTORNEY CERTIFICATION OF GOOD
FAITH PURSUANT TO PHILA. CIV. R. 208.2(e)**

The undersigned counsel for Plaintiffs Rosa Correa and Michael Hamilton hereby certify and attest that Plaintiffs' First Set of Requests for Production of Documents and First Set of Written Interrogatories were properly served and that Defendants have failed to sufficiently respond. The Court ordered Defendants to respond to certain Requests for Production and Written Interrogatories after a discovery hearing on May 8, 2019. Plaintiffs' counsel have sent numerous

requests to Defendants seeking court ordered responses. However, Defendants have yet to respond to the discovery requests, in violation of this Court's Order, despite numerous contact attempts by Plaintiffs' counsel. Consequently, counsel has been unable to resolve the matters contained in the foregoing discovery motion.

Dated: August 19, 2019

Respectfully Submitted,

/s/ George A. Donnelly, Esq.
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2019, I caused a true and correct copy of the foregoing
Plaintiffs' Motion to Compel and for Sanctions against Defendants:

Via email and first class mail:

Andrew Swain
Christopher Bradley
The Swain Law Firm, P.C.
2410 Bristol Road
Bensalem, PA 19020
Attorneys for Defendant

By: /s/ George A. Donnelly
George A. Donnelly, Esq.