

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

Jan 2, 2013  
[Signature]

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LEI CHEN SHEEHAN : AUGUST TERM, 2012  
: :  
: NO. 01530  
v. : :  
: :  
DAVID GRASSO : COMMERCE PROGRAM  
: :  
: CONTROL NO. 12113048  
:

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OPINION

GLAZER, J.

January 2, 2013

Before the court are the preliminary objections of plaintiff, Lei Chen Sheehan, to defendant's amended answer and new matter. For the reasons set for the below, defendant's preliminary objection is sustained.

**FACTS AND PROCEDURAL BACKGROUND**

Plaintiff commenced this action on August 15, 2012 alleging piercing the corporate veil to enforce a judgment. Defendant filed an answer and new matter on or around September 26, 2012. Defendant himself did not verify the pleadings. Instead, defendant's counsel verified the pleadings. Moreover, in response to defendant's answer and new matter, plaintiff filed preliminary objections alleging: (1) David Grasso is collaterally estopped from asserting defenses that may have been available to his alter ego; (2) new matter paragraphs 9 and 11 through 14 have no factual support; and (3) that the defendant, David Grasso, must verify his pleadings.

Defendant subsequently filed an amended answer and new matter with a verification stating, "I, Peter J. Norman, verify that I am counsel for Defendant and I am authorized to make



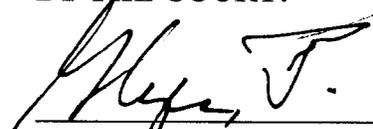
this attorney verification on behalf of Defendant in that such verification could not be obtained within the time allowed..." See defendant's amended answer to complaint with new matter. Plaintiff now brings preliminary objections to defendant's amended answer and new matter based again on: (1) David Grasso is collaterally estopped from asserting defenses that may have been available to his alter ego; (2) new matter paragraphs 9, 11, 14, and 15 have no factual support; and (3) that the defendant, David Grasso, must verify his pleadings.

### DISCUSSION

Pennsylvania requires every pleading containing an averment of fact not appearing of record in the action or containing a denial of fact to be verified. Pa. R.C.P 1024. Moreover, "[t]he verification shall be made by one or more of the parties filing the pleading unless all the parties (1) lack sufficient knowledge or information, or (2) are outside the jurisdiction of the court and the verification of none of them can be obtained within the time allowed for filing the pleading." Id.

The verification in the instant case does not conform to the requirements of Rule 1024. Defendant's counsel does not assert that his client is outside the jurisdiction. Moreover, this is defendant's second attempt to comply with the requirements. Accordingly, plaintiff's preliminary objection is sustained and defendant's new matter is dismissed without prejudice due to the filing of an improper verification.

BY THE COURT:

  
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GLAZER, J.