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[†] Member, Pennsylvania Bar
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[§] Member, Conn. Bar
[¶] Member, Wash., D.C. Bar

February 18, 2014

**VIA OVERNIGHT UNITED PARCEL SERVICE**

Patricia L. Bachtle, Prothonotary
Office of the Prothontary
Bucks County Courthouse
55 East Court Street
Doylestown, PA 18901

Re: ***Philadelphia Gun Club v. SHARK, et al.***
**Bucks County, PA CCP; File No.: 2009-13657-30-05**

Dear Ms. Bachtle:

I enclose herewith for filing with the Court the following documents:

1. An original and a face-page of Preliminary Objections of Defendants Steven Omar Hindi and Showing Animals Respect and Kindness, Inc. to Plaintiffs' Second Amended Complaint; and

2. An original Entry of Appearance and face-page on behalf of defendants.

Kindly timestamp these documents and return them to this office in the self-addressed, stamped envelope provided.

Thank you for your kind attention to this matter.

Very truly yours,

GERALD J. WILLIAMS

GJW:rap
enclosures
cc: Mr. Steven Omar Hindi
Ms. Janet Enoch
Douglas C. Maloney, Esquire
James G. Lare, Esquire
Sean M. Corr, Esquire
All With Enclosures

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA**
**CIVIL DIVISION**

| | | |
|---|---|---|
| **PHILADELPHIA GUN CLUB, INC., and LEO HOLT** | : | **FILE NO. 2009-13657-30-05** |
| **Plaintiffs,** | : | |
| **vs.** | : | |
| **OTTO GRUPP, III, GRUPP FAMILY LIMITED PARTNERSHIP, THEODORE H. GRUPP, STRATEGIC REALTY INVESTMENTS, LLC. STEVEN OMAR HINDI, and SHOWING ANIMALS RESPECT AND KINDNESS, INC.** | : | |
| **Defendants.** | : | |

**ORDER**

AND NOW, this _____ day of _____, 2014, upon consideration of the Preliminary Objections of defendants Steven Omar Hindi and Showing Animals Respect and Kindness, Inc., it is hereby ORDERED that said Preliminary Objections are granted. It is further ORDERED that Plaintiffs' Second Amended Complaint is dismissed, with prejudice.

By the Court:

_____

J.

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA**
**CIVIL DIVISION**

| | | |
|---|---|---|
| **PHILADELPHIA GUN CLUB, INC., and LEO HOLT** | : | **FILE NO. 2009-13657-30-05** |
| **Plaintiffs,** | : | |
| **vs.** | : | |
| **OTTO GRUPP, III, GRUPP FAMILY LIMITED PARTNERSHIP, THEODORE H. GRUPP, STRATEGIC REALTY INVESTMENTS, LLC. STEVEN OMAR HINDI, and SHOWING ANIMALS RESPECT AND KINDNESS, INC.** | : | |
| **Defendants.** | : | |

**PRELIMINARY OBJECTIONS OF DEFENDANTS**
**STEVEN OMAR HINDI AND SHOWING ANIMALS RESPECT AND KINDNESS, INC.**
**TO PLAINTIFFS' SECOND AMENDED COMPLAINT**

AND NOW, COME defendants Steven Omar Hindi and Showing Animals Respect and Kindness, Inc. (hereinafter "SHARK"), by and through their undersigned counsel, and preliminarily object to Plaintiffs' Second Amended Complaint as follows:

1. Defendants Hindi and Shark (hereinafter "defendants") incorporate as if fully set forth herein, adopt, and join the preliminary objections of defendants Otto Grupp, III, Grupp Family Limited Partnership, and Theodore Grupp (hereinafter "Grupp defendants").
    a. As stated more fully in the Grupp defendants' Preliminary Objections, Plaintiffs' Second Amended Complaint was filed on October 16, 2013 and served on defendants Hindi and SHARK 91 days later, on January 15, 2014.

b. In addition, Plaintiffs' Second Amended Complaint was improperly served, and does not comply with Pa. R. Civ. P. 404, which requires service of a complaint outside the Commonwealth be completed "within ninety days."

c. Defendants Hindi and Shark Preliminarily Object to Plaintiffs' Second Amended Complaint pursuant to Pa. R. Civ. P. 1028(a)(1) and (2).

2. Defendants preliminarily object to Plaintiffs' Second Amended Complaint pursuant to Pa. R. Civ. P. 1028(a)(2), because it does not comply with the Pennsylvania Rules of Civil Procedure, as follows:

a. Plaintiffs' Second Amended Complaint is not verified by either plaintiff.

b. Pa. R. Civ. P. 1024 requires pleadings to be verified by the party or parties filing the pleading.

c. Pa. R. Civ. P. 1024 allows a non-party, including an attorney, to verify a pleading, but only if "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;" in such cases, the verification must "set forth the source of the person's information as to matters not stated upon his or her own knowledge and the reason why the verification is not made by a party." *Pa. R. Civ. P. 1024(c).*

d. The verification of Plaintiffs' Second Amended Complaint states: "The undersigned verifies that he is counsel for the party on whose behalf the attached document is being filed, and that the statements made in the attached document are true and correct to the best of his information, knowledge, and

belief. The undersigned is taking this Verification *either* because the truthfulness and correctness of the statements made in the attached document are not known to his client *or* because time does not permit the client to take the Verification. The undersigned understands that false statements are made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn falsification to authorities. " (emphasis added).

e. This verification is defective for the following reasons it fails to identify the specific basis why neither plaintiff could verify the complaint, fails to set forth the reason why the parties could not verify the complaint, and fails to set forth the source of the signer's knowledge as to matters not stated upon his own knowledge.

f. In each "Wherefore," or *ad damnum*, clause, plaintiffs demand "an amount in excess of $50,000.00…."

g. In no "Wherefore," or *ad damnum* clause do plaintiffs state whether the amount in controversy does or does not exceed the jurisdictional amount for compulsory arbitration.

h. Under Pa. R. Civ. P. 1021(b), "[a]ny pleading demanding relief for unliquidated damages shall not claim any specific sum."

i. Under Pa. R. Civ. P. 1021(c), "[i]n counties having rules governing compulsory arbitration the plaintiff shall state whether the amount claimed does or does not exceed the jurisdictional amount requiring arbitration referral by local rule."

j. Plaintiffs' "Wherefore", or *ad damnum*, clauses do not comply with Pa. R. Civ. P. 1021(b)-(c).

3. Defendants preliminarily object to Plaintiffs Second Amended Complaint pursuant to Pa. R. Civ. P. 1028(a)(2), because it contains allegations that are "scandalous or impertinent," as follows:

   a. Any references to alleged criminal past, violence, terrorist organizations, and other non-party organizations are immaterial, inappropriate, and irrelevant to the proof of plaintiffs' claims.

   b. Paragraphs 27 through 32, 34, 35, 39(g), and 42 are replete with scandalous and impertinent allegations.

   c. In Paragraph 27, defendant Hindi is characterized as a violent criminal, and a summary offense is alluded to.

   d. Paragraphs 28 and 29 allude to further irrelevant criminal conduct on the part of defendant Hindi.

   e. Paragraph 30 is, in its entirety, scandalous and impertinent, as it conflates, irrelevantly, defendant Hindi with a non-party organization of which he is not a member.

   f. Paragraph 31 is, in its entirety, scandalous and impertinent, as it has no basis in fact, and alleges defendant Hindi to be a violent terrorist.

   g. Paragraph 32 is, in its entirety, scandalous and impertinent, and has no basis or relevance and alleges defendant Hindi to be a violent terrorist.

   h. Paragraph 34 is, in its entirety, scandalous and impertinent, and has no basis or relevance and alleges defendant Hindi to be a violent terrorist.

i. References to the "Animal Liberation Front" – a non-party organization of which no party is a member - in paragraphs 35, 39(g), and 42 are scandalous and impertinent.

4. Defendants preliminarily object to Plaintiffs' Second Amended Complaint pursuant to Pa. R. Civ. P. 1028(a)(3), as it lacks sufficient specificity, as follows:

   a. The allegations relevant to Count II are vague, conclusory, and general, and fail to specifically allege what acts performed by defendants caused an invasion of plaintiff Holt's privacy.

   b. The allegations relevant to Count III fail to specifically allege the contractual relationship at issue, the performance required by the parties to the contract, and the circumstances that make performance of the contract unperformable.

5. Defendants preliminarily object to Plaintiffs' Second Amended Complaint pursuant to Pa. R. Civ. P. 1028(a)(4) as follows:

   a. Plaintiffs Count I and its relevant allegations are legally insufficient.

   b. The complaint does not allege that plaintiff Holt is an owner of the plaintiff PGC and therefore plaintiff Holt cannot bring a claim for private nuisance.

   c. The complaint fails to allege what harm or interference with the use of its land, if any, the PGC has suffered as a result of the alleged "nuisance."

   d. Plaintiffs' Count II and its relevant allegations are legally insufficient.

   e. The complaint fails to sufficiently set forth the elements of an "Invasion of Privacy" tort, to identify which alleged acts or omissions of defendants give rise to this cause of action, to allege any false statements, and to show any

causal connection between defendants' alleged conduct and the alleged injuries and damages of plaintiffs.

f. Plaintiffs' Count III and its relevant allegations are legally insufficient.

g. The complaint fails to sufficiently set forth the elements of a "Tortious Interference with Contractual Relationships" tort, to identify which alleged acts or omissions of defendants give rise to this cause of action, and to show any causal connection between defendants' alleged conduct and the alleged injuries and damages of plaintiffs.

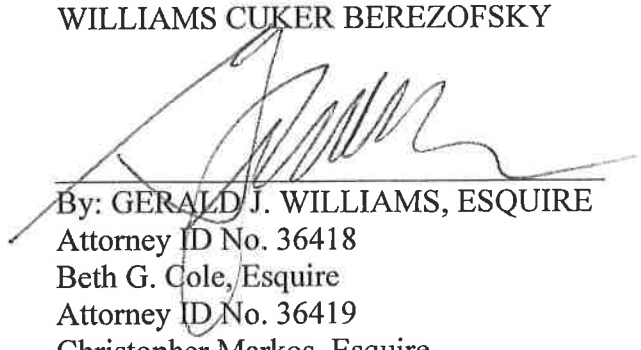
h. Because Counts I, II, and III are legally insufficient, Count IV and its relevant allegations are legally insufficient and must fail.

i. Plaintiffs have failed to allege legally sufficient facts to support an award of exemplary damages.

WHEREFORE, defendants respectfully requests this Court grant the foregoing preliminary objections and dismiss plaintiffs' complaint, with prejudice. In the alternative, defendants request this court dismiss claims II and III and order plaintiffs to strike all scandalous and impertinent allegations as fully set forth hereinabove in Paragraph 3.

Respectfully submitted,

WILLIAMS CUKER BEREZOFSKY



By: GERALD J. WILLIAMS, ESQUIRE
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gwilliams@wcblegal.com

## CERTIFICATE OF SERVICE

I, GERALD J. WILLIAMS, hereby certify that on this date I served a true and correct copy of the foregoing Preliminary Objections of Defendants Steven Omar Hindi and Showing Animals Respect and Kindness, Inc. to Plaintiffs' Second Amended Complaint by U.S. first class mail, postage prepaid upon the following counsel and parties of record:

Douglas C. Maloney, Esquire
Begley Carlin & Mandio, LLP
680 Middletown Boulevard
Langhorne, PA 19047
Counsel for Grupp Defendants

Sean M. Corr, Esquire
Corr Mitchell, LLC
1035 West Bristol Road
Warminster, PA 18974
Counsel for Plaintiffs
**Via Overnight UPS**

James G. Lare, Esquire
Marshall Dennehey Warner
Coleman & Goggin
2000 Market Street, Suite 2300
Philadelphia, PA 19103
Counsel for Strategic Realty
Investments, LLC

Date: February 18, 2014

GERALD J. WILLIAMS

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA**
**CIVIL DIVISION**

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**ENTRY OF APPEARANCE**

Kindly enter our appearance on behalf of the Defendants Steven Omar Hindi and Showing Animals Respect and Kindness, Inc. in the above-captioned matter.

WILLIAMS CUKER BEREZOFSKY, LLC

GERALD J. WILLIAMS, ESQUIRE
P.A. I.D. #36418
BETH G. COLE, ESQUIRE
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bcole@wcblegal.com
cmarkos@wcblegal.com

Dated: February 18, 2014

## CERTIFICATE OF SERVICE

I, GERALD J. WILLIAMS, hereby certify that on this date I served a true and correct copy of the foregoing Entry of Appearance on behalf of Defendants Steven Omar Hindi and Showing Animals Respect and Kindness, Inc. by U.S. first class mail, postage prepaid upon the following counsel and parties of record:

Douglas C. Maloney, Esquire
Begley Carlin & Mandio, LLP
680 Middletown Boulevard
Langhorne, PA 19047
Counsel for Grupp Defendants

Sean M. Corr, Esquire
Corr Mitchell, LLC
1035 West Bristol Road
Warminster, PA 18974
Counsel for Plaintiffs

James G. Lare, Esquire
Marshall Dennehey Warner
Coleman & Goggin
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Philadelphia, PA 19103
Counsel for Strategic Realty
Investments, LLC

Date: February 18, 2014

GERALD J. WILLIAMS

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