

R.C.P. 404. This rule is similar to the rule outlining the service of original process upon corporations; Pa. R.C.P. 424 provides that original process on a corporation shall be made by handing a copy of the process to “the manager, clerk or other person for the time being in charge of any regular place of business or activity of the corporation or similar entity....” *Id.*

Therefore, when analyzing Defendant Punchline’s improper service objection, the Court must determine if the Third Street address is a regular or usual place of business for Defendant Punchline and if Ms. Amrchese is a person in charge for the time being. The Court finds both to be true.

The Court finds that the East Third Street address is a regular place of business for Defendant Punchline. Defendant Punchline lists the Third Street address as its USA Distribution Center. Therefore, the Court finds the case of *Meyers v. Mooney Aircraft, Inc.*, 240 A.2d 505 (Pa. 1967) (where the Court found that no evidence existed establishing that Defendant Mooney had an office or usual place of business in Lancaster), inapplicable to the case at bar. *See generally Podolak v. Artisan’s Valve Repair, Inc.*, 470 A.2d 567 (Pa. Super. Ct. 1984). The Court believes that listing the Third Street address as Defendant Punchline’s USA Distribution Center qualifies that address as a usual place of business for that Defendant.

The Court also finds that Ms. Amrchese was a person in charge pursuant to the service rules. In *Cintas Corp. v. Lee’s Cleaning Services, Inc.*, 700 A.2d 915 (Pa. 1997), our Supreme Court analyzed the phrase “a person in charge for the time being.” Pa. R.C.P. 424(2). In that case, the Court determined that “there must be a sufficient connection between the person served and the defendant to demonstrate that service was reasonably calculated to give the defendant notice of the action against it.” *Id.* at 920. Additionally, that Court noted:

[i]t should not be possible for a defendant to avoid valid service of original process by the device of placing an office or usual place of business under the control of a subsidiary or

minor employee and thereafter taking the position that such person did not bear a proper relationship to the company so that service upon him or her would be sufficient to assure the requisite notice to the company.

Id. n.3.

Defendant Punchline lists 410 East Third Street, Williamsport, Pennsylvania, as its USA Distribution Center on its organization's website. This Third Street address is also the principle place of business of Defendant Miele, Inc. This Court believes these similar addresses are not merely a coincidence. A Lycoming County Deputy Sheriff effectuated service on Defendant Punchline on March 26, 2012, by handing a copy of the original complaint to Ms. Jennifer Amrchese, office manager of Miele, Inc., at the Third Street address. The Court believes this service was proper because the Third Street address was a usual place of business for Defendant Punchline, and the Deputy served the person for the time being in charge by serving the office manager on the premises at the time. Therefore, the Court finds service to be proper.

II. Specificity of First Amended Complaint

Regarding Defendants' requests for a more specific pleading, the Court sustains these objections. *See* Pa. R.C.P. 1019; *Connor v. Allegheny General Hosp.*, 461 A.2d 600, 603 n.3 (Pa. 1983). Pa. R.C.P. 1019(f) requires specific pleading of time, place, and items of special damages; Plaintiff failed to plead in such a manner in his first amended complaint. Therefore, Plaintiff shall file a second amended complaint within twenty (20) days. In his second amended complaint, Plaintiff shall make more specific pleadings as to each Defendant to include the allegations against them and when and where the allegations occurred. Additionally, Plaintiff shall separate each allegation against each Defendant into separate counts.

BY THE COURT,

Date

Richard A. Gray, J.

RAG/abn

cc: Wayne V. DeLuca, Esq. – Counsel for Miele, Punchline, Green Coin, and Mr. Green
Manor Building Penthouse, 564 Forbes Ave., Pittsburgh, PA 15219
David J. Shannon, Esq. – Counsel for Lakeside Electronic & Amusement Co., Inc.
1845 Walnut St., Philadelphia, PA 19102
Monkeys Arcades – 12137 Rhea Drive, Ste. B, Plainfield, IL 60585
Gary L. Weber, Esquire – Lycoming County Reporter