

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

KEVIN HARRIS,
Plaintiff

vs.

AMERISPEC QUALITY HOME INSPECTIONS, LLC,
TRAVIS HAMMOND and ANDREA HAMMOND,
Defendants

: NO. 14 - 02,448
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: CIVIL ACTION - LAW
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: Preliminary Objections

OPINION AND ORDER

Before the court are preliminary objections filed by Defendants Travis and Andrea Hammond on October 17, 2014. Argument was heard November 12, 2014.

In his two-count Complaint, filed September 23, 2014, Plaintiff alleges breach of an employment contract and also makes a claim under the Wage Payment and Collection Law. The Hammond Defendants objected preliminarily to being named, on the basis that there is nothing in the Complaint upon which to impose individual liability, the contract clearly indicating that it was entered into by the LLC, not them individually. In his Amended Complaint, Plaintiff thus added a third count entitled “Pierce the Corporate Veil”. The Hammond Defendants repeat their preliminary objection.

In order to sufficiently plead that the corporate veil should be pierced, a plaintiff must set forth facts showing that the corporation was insufficiently capitalized at the outset, there was an intermingling of funds of the corporation and the personal assets of the individuals, there was a failure to adhere to corporate formalities and/or the corporate form was used to perpetrate a fraud. Kaites v. Dept. of Environmental Resources, 529 A.2d 1148 (Pa. Commw. 1987). In his Amended Complaint, Plaintiff alleges that “Travis Hammond and Andrea Hammond are alter egos of Amerispec”, that the “assets of Travis Hammond and Andrea Hammond are one and the same of those of the corporate entity”, and that “Amerispec is so closely affiliated with as to be an alter ego of the Hammonds. The actions of one are attributable, in whole or in part, to the actions of the other.” The court agrees with Defendants that these allegations are not sufficient. The first and third allegations are merely conclusions and provide no factual support for piercing the corporate veil. The allegation that the assets of

the individuals are the same as those of the LLC, while a factual assertion rather than a legal conclusion, is nevertheless too general to support the claim.

There is a strong presumption in Pennsylvania against piercing the corporate veil. Advanced Telephone Systems, Inc. v. Com-Net Professional Radio, LLC, 846 A.2d 1264 (Pa. Super. 2004). The instant Amended Complaint sets forth nothing which prompts this court to allow the claim to proceed.

ORDER

AND NOW, this 18th day of November 2014, for the foregoing reasons, Defendants' preliminary objections are sustained. Count 3 of the Amended Complaint is hereby STRICKEN. Further, as to Defendants Travis Hammond and Andrea Hammond, individually, the Amended Complaint is hereby DISMISSED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Mary Kilgus, Esq.
William Carlucci, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson