

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DRIVEN SALES, INC.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No. 14-cv-4875
	:	
INTERNATIONAL SEAL AND PACKING CO.,	:	
INC.,	:	
	:	
Defendant.	:	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Joyner, J.

February 2, 2015

Upon consideration of the Complaint (Doc. No. 1), Plaintiff's Motion for Default Judgment (Doc. No. 7), and after a damages hearing held before this Court on January 15, 2015, the Court enters these findings of fact and conclusions of law:

I. FINDINGS OF FACT

1. Plaintiff Driven Sales, Inc. is a Pennsylvania corporation with its principal place of business in West Chester, Pennsylvania.

2. Defendant International Seal & Packing Co., Inc. is a New Jersey corporation with its principal place of business at 11 Brookside Drive, Wilmington, Delaware.

3. Plaintiff is an independent sales agency that contracted to represent Defendant in the sale of its industrial sealing products in an exclusive sales territory.

4. The contract was entered into in February 1998 and ended April 30, 2014 after Plaintiff gave Defendant 30 days' notice of

termination due to Defendant's failure to pay commissions owed to Plaintiff. Those commissions are still unpaid.

5. The Exhibits to the Complaint consisting of the email admitting that certain commissions are owed by Defendant to Plaintiff, and Plaintiff's letter resigning the engagement, are admitted into evidence.

6. The obligation to pay \$36,079.20 in commissions was admitted by Defendant in an email to Plaintiff and judgment has previously been entered in this case in that amount. See Doc. No. 8.

7. These commissions do not include commissions owed for the six months ending April 1, 2014, during which Plaintiff represented Defendant. Plaintiff's undisputed testimony was that those commissions totaled at least \$6,000.00 and are still unpaid.

8. Plaintiff sold Defendant's products primarily to power transmission supply houses that in turn resold them to individuals and companies for the repair of industrial equipment.

9. Defendant has failed to pay Plaintiff all commissions due and owing for more than 14 days after their agency relationship ended. Defendant has acknowledged that the money was owing, promised to pay it, offered no reason for not paying it, and has made no attempt to pay Plaintiff.

10. Plaintiff has offered evidence that fair and reasonable legal fees in this action to January 12, 2015 are \$11,225.00 and costs expended are \$1,025.40.

II. CONCLUSIONS OF LAW

1. Plaintiff is a "Sales Representative" and Defendant is a "Principal" within the meaning of 43 Pa. Stat. Ann. § 1471.

2. Plaintiff's commissions come within the definition of those protected under 43 Pa. Stat. Ann. § 1471 *et seq.*

3. Defendant's failure to pay Plaintiff the owed commissions (\$42,079.20) within 14 days after the termination of the agency relationship was willful, and Defendant shall pay two times the commissions owed (\$84,158.40) in exemplary damages. See 43 Pa. Stat. Ann. §§ 1474, 1475.

4. Defendant shall pay Plaintiff the costs of suit (\$1,025.40) and reasonable attorneys' fees (\$11,225.60) pursuant to 43 Pa. Stat. Ann. § 1475.

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Defendant.	:	

ORDER

AND NOW this 2nd day of February, 2015, for the reasons set forth in the Court's Findings of Fact and Conclusions of Law, Defendant International Seal & Packing Co., Inc. is ORDERED to pay Plaintiff Driven Sales, Inc. the sum of \$138,488.00, which includes the judgment of \$36,079.20 previously entered in this matter (Doc. No. 8).

Defendant is ORDERED to pay interest on the full amount of this judgment from the date of this judgment, pursuant to 28 U.S.C. § 1961.

The Court retains jurisdiction over this matter pending collection of the judgment or further order of the Court.

The Plaintiff may proceed with discovery in this matter. See Fed. R. Civ. P. 69.

Defendant is ORDERED to respond to discovery requests relevant to Plaintiff's execution efforts. Id.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.