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

GEORGIA KOLBAS	:	CIVIL ACTION
v.	:	
CITY OF PHILADELPHIA, et al.	:	NO. 09-cv-03812-JF

MEMORANDUM

Fullam, Sr. J. January 28, 2010

Plaintiff has filed a motion for default judgment in this case. The defendants oppose the motion, asserting that they were never served with the complaint.

The actual "return of service" filed by plaintiff's counsel does not actually state that the complaint and summons were delivered to anyone. It asserts merely that "a copy of the complaint and summons in the above-captioned civil action was made on defendants at the Law Department, 1515 Arch Street, 14th Floor, Philadelphia, PA, upon a person of suitable age and in charge." The notion that this suffices to prove valid service of process upon the City of Philadelphia and three separate individuals cannot readily be accepted. The motion for default judgment will therefore be denied.

An Order follows.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

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CITY OF PHILADELPHIA, et al.	:	NO. 09-cv-03812-JF

ORDER

AND NOW, this 28th day of January 2010, upon consideration of the plaintiff's motion for default judgment, and defendant's response thereto, IT IS ORDERED:

That plaintiff's motion is DENIED, and all references to the docket entries mentioning the entry of a default are STRICKEN.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.