
Ericka Corley	:	Court of Common Pleas
	:	Philadelphia County
	:	June TERM, 2010
Plaintiff,	:	No.: 3146
	:	
v.	:	
	:	
David O'Hara, Jr.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this ____ day of _____, 2010, upon consideration of the within Petition for Substitute Service pursuant to Pa. R.C.P. 430 inasmuch as it appears to the Court that the above named Defendant, David O'Hara, Jr., is avoiding service of process in the within matter, it is hereby ORDERED and DECREED that Plaintiff's Petition is GRANTED. Accordingly, service upon the aforesaid Defendant is to be made at the last known address of the said Defendant, 705 Wallace Street, Apartment A, Philadelphia, PA 19123, as follows:

- a. Ordinary mail; or
- b. Certified or Registered Mail, return receipt requested; or
- c. Posting a copy of Plaintiff's Complaint by the Sheriff.

BY THE COURT:

J.

STUART A. CARPEY, ESQUIRE
scarpey@carpeylaw.com
Attorney I.D. No. 49490
KREITHEN, BARON & CARPEY, P.C.
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(610) 834-6030

ATTORNEY FOR PLAINTIFF

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PETITION FOR SUBSTITUTE SERVICE

Petitioner, Ericka Corley, by and through her attorney, Stuart A. Carpey, Esquire, hereby respectfully Petitions this Court for leave to serve Defendant, David O'Hara, Jr., by regular mail, certified mail with return receipt requested, or by posting by the Sheriff at her last known address, and in support thereof, assign the following:

1. The instant matter involves a claim for personal injuries sustained by Plaintiff, Ericka Corley, as a result of a motor vehicle accident occurring on October 11, 2008.
2. At the scene of the accident, Plaintiff obtained Defendant's name and license plate number, but Defendant refused to provide any other information.
3. Defendant's license plate on Defendant's vehicle was DKH9924 (PA).
4. Plaintiff through counsel conducted a license plate search through the Pennsylvania Department of Motor Vehicles which revealed the license plate to be a "dead tag" record. See Exhibit "A."

5. Plaintiff then hired a private investigator who conducted an extensive search on Defendant and determined his current address as of July 8, 2010 to be 705 Wallace Street, Apartment A, Philadelphia, Pennsylvania 19123 and secured Defendant's father's address David O'Hara, Sr., as 5 Wellington Lane, Dalton, Pennsylvania 18414. See Exhibit "B."

6. Attached hereto as Exhibit "C" is the Freedom of Information Act form from the Office of City Commissioners – Voters Registration Division wherein Defendant's address is listed at 721 North Terrace, Apartment E, Philadelphia, Pennsylvania 19123.

7. Service upon Defendant, David O'Hara, Jr., has been attempted at both addresses for Defendant. Attached hereto as Exhibits "D" and "E," are the Return of Service forms on Defendant, David O'Hara, Jr., at the 5 Wellington Lane, Dalton, PA 18414 by the Lackawanna County Deputy Sheriff dated August 18, 2010 where the Sheriff indicated Defendant was not found and is in a Philadelphia prison on the date of August 4, 2010, and for a service attempt by George Phillips, on August 7, 2010, to 721 North Terrace, Apartment E, Philadelphia, Pennsylvania 19123, respectively.

8. Plaintiff through counsel researched through the Philadelphia Judicial System's web page, inmate locator link, wherein Defendant, David O'Hara, Jr. was not identified as an inmate in Philadelphia County. See Exhibit "F."

9. It is submitted that Defendant, David O'Hara, Jr., is attempting to conceal his whereabouts in order to avoid service of process.

10. Plaintiff is prejudiced by Defendant's failure to accept service.

WHEREFORE, Plaintiff respectfully requests that he be permitted to make service of Defendant, David O'Hara, Jr., at his last known address, 721 North Terrace, Apartment E, Philadelphia, Pennsylvania 19123, by regular mail or certified mail, return receipt requested and/or

by posting by the Sheriff or a competent adult at Defendant's last known address, being the same address.

KREITHEN, BARON & CARPEY, P.C.

By: _____
Stuart A. Carpey, Esquire
Attorney for Plaintiff

STUART A. CARPEY, ESQUIRE
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A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF MONTGOMERY :

Stuart A. Carpey, Esquire, being duly sworn according to law, deposes and says he is the attorney for the Plaintiffs and he has made a good faith investigation to ascertain the present address of Defendant, David O'Hara, Jr. Counsel for Plaintiff further avers to the best of his knowledge, information, and belief, the last known address of Defendant, David O'Hara, Jr., is 721 North Terrace, Apartment E, Philadelphia, Pennsylvania 19123.

KREITHEN, BARON & CARPEY, P.C.

By: _____
Stuart A. Carpey, Esquire
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____
DAY OF _____, 2010.

Notary Public