

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA  
CIVIL ACTION -LAW

JONATHAN K. GOSSELIN,  
*Plaintiff*  
  
VS.  
  
KATIE I. GOSSELIN,  
*Defendant*

CASE NO. 1010-6732  
  
ATTORNEY I.D. NO. 43610/48216  
  
IN CUSTODY

**NOTICE TO PLEAD**

TO: JONATHAN K. GOSSELIN  
c/o Anthony F. List, Esquire  
Attorney for Plaintiff

You are hereby notified to file a written response to the enclosed Preliminary Objections within twenty (20) days of service from service hereof or a judgment may be entered against you.

Respectfully submitted,

  
CHERYL YOUNG, ESQUIRE

Attorney I.D. No. 43610  
Hangley Archick Segal & Pudlin  
2 West Lafayette Street, Suite 275  
Norristown, PA 19401  
TEL: (610) 433.1670

MARK A. MOMJIAN, ESQUIRE  
Attorney I.D. No. 48216  
Momjian Adlerer LLC  
2005 Market Street, Suite 204  
Philadelphia PA 19103  
TEL: (215) 46.3715

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BERKS COUNTY, PA  
MARIANNE R. SUTTON  
PROTHONOTARY

Date: April 9, 2010

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA  
CIVIL ACTION –LAW

JONATHAN K. GOSELIN,  
*Plaintiff*

CASE NO. 010-6732

VS.

ATTORNEY I.D. NO. 43610/48216

KATIE I. GOSELIN,  
*Defendant*

IN CUSTODY

**ORDER FOR HEARING**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Preliminary Objections, a hearing on the matter is hereby scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M. in Courtroom "\_\_\_\_" of the Berks County Courthouse, Reading, Pennsylvania.

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

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BERKS COUNTY, PA  
MARIANNE R. SUTTON  
PROTHONOTARY

JONATHAN K. GOSSELIN,  
*Plaintiff*

CASE NO. 010-6732

VS.

ATTORNEY I.D. NOS. 43610/48216

KATIE I. GOSSELIN,  
*Defendant*

IN CUSTODY

**DEFENDANT'S PRELIMINARY OBJECTIONS  
TO COMPLAINT IN CUSTODY AND FOR CHILD SUPPORT**

TO THE HONORABLE, THE JUDGES OF SAID COURT

AND NOW, Defendant, Katie I. Gosselin, by and through her attorneys, Cheryl L. Young, Esquire, and Mark A. Momjian, Esquire, submit the following Preliminary Objections in accordance with Rule 1028 of the Pennsylvania Rules of Civil Procedure, as well as Local Rule 1028(c) of the Berks County Court of Common Pleas, for failure of a pleading to conform to law or rule of court:

1. The Complaint in Custody and for Child Support filed by Plaintiff on April 7, 2010, contains numerous procedural defects under the Pennsylvania Rules of Procedure, as well as the Berks County Local Rules.

2. Plaintiff's counsel improperly combined child custody and child support actions in a single pleading in violation of Berks County Local Rules. Specifically, child custody actions are to be filed in the Office of the Berks County Prothonotary under Local Rule 1915.3,

whereas child support actions are to be filed with the Berks County Domestic Relations Section under Local Rule 1910.4.

3. With regard to the child custody action, because no child custody order has been entered regarding the Gosselin children, any custody pleading must be "substantially" in the form required under Rule 1915.15 of the Pennsylvania Rules of Civil Procedure. Plaintiff's custody action fails in numerous instances to provide the information required under Rule 1915.15, which applies to all custody litigants in the Commonwealth.


4. Among other things, Plaintiff's custody pleading fails to provide the following information required under Rule 1915.15, including the residence of the minor children during the past five years; the names of other adult individuals with whom the parties may be residing; whether either party has participated in other litigation concerning the custody of the children; and whether there are persons not party to the proceedings who have physical custody of the children or claims thereto. Plaintiff's counsel has simply ignored Rule 1915.15.

5. With regard to the child support action, because the parties agreed to submit the issue of child support to binding arbitration, an award of child support has already been entered in this case in Defendant's favor, directing Plaintiff to pay child support in the sum of \$21,691 per month. Accordingly, to the extent Plaintiff seeks to modify said award, he is required to file a Petition for Modification in "substantially" the form required under Rule 1910.27(f) of the Pennsylvania Rules of Civil Procedure. Again, Plaintiff's counsel has totally ignored Rule 1910.27(f).

WHEREFORE, due to the substantial failure on the part of Plaintiff's counsel to conform the subject pleading to the Pennsylvania Rules of Civil Procedure, as well as to the Berks County

Local Rules, Defendant respectfully requests dismissal under Rule 1028(a)(2) of the Pennsylvania Rules of Civil Procedure for failure of a pleading to conform to law or rule of court.

Respectfully submitted,

  
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Date: April 9, 2010