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Tonya Warner	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
Plaintiff,	:	
	:	DECEMBER TERM, 2008
v.	:	NO.: 01483
	:	
Doug Kyum Chun, et al.	:	
	:	
Defendants.	:	

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**ORDER**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 2010, upon consideration of the Motion for Sanctions filed by Plaintiff Tonya Warner, the affidavit of Stuart A. Carpey, Esquire, counsel for Plaintiff Tonya Warner, and the exhibit attached thereto, and upon a finding that payment was not made within 30 days of receipt of the executed release in the above captioned action, it is hereby ORDERED and DECREED that in addition to the settlement funds in the amount of \$62,500.00, Defendants, Doug Kyum Chun and Sun Zoo Chun., is ordered to pay forthwith simple interest thereon at the rate of 3.25% on \$62,500.00 from January 24, 2010 to the date of delivery of the settlement funds, together with \$500.00 in attorney's fees as well as costs in the amount of \$52.68 for the filing of the instant petition, pursuant to Philadelphia Civil Rule 229.1.

BY THE COURT:

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

**STUART A. CARPEY, ESQUIRE**  
scarpey@carpeylaw.com  
Identification No.: 49490  
KREITHEN, BARON & CARPEY, P.C.  
100 W. Elm Street, Suite 310  
Conshohocken, PA 19428  
(610) 834-6030

ATTORNEY FOR PLAINTIFF

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**MOTION FOR SANCTIONS FOR FAILURE  
TO DELIVER SETTLEMENT FUNDS**

1. That the instant matter settled for a global settlement of \$70,000.00 with all defendants and specifically for \$62,500.00 with Defendants, Doug Kyum Chun and Sun Zoo Chun.

2. That the signed and notarized settlement agreement and release was mailed to Randy C. Greene, Esquire on December 23, 2009. See Exhibit "A."

3. That Attorney, Randy C. Greene, Esquire, who represents Defendants, Doug Kyum Chun and Sun Zoo Chun, has acknowledged receiving same.

4. Despite efforts by way of several phone calls to Attorney, Randy C. Greene, Esquire to determine when Defendants, Doug Kyum Chun and Sun Zoo Chun will deliver the settlement funds, Plaintiff's counsel has been unable to resolve the dispute, nor has he been able to determine when Defendants, Doug Kyum Chun and Sun Zoo Chun intend on delivering settlement funds.

5. All other defendants have delivered their settlement funds to Plaintiff.

6. That simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which this affidavit was filed is 3.25%, and pursuant to Philadelphia Several Rule 229.1 Defendant, Doug Kyum Chun and Sun Zoo Chun must be sanctioned for failure of delivery of its \$62,500.00 in settlement funds and the date that interest should begin running from is January 24, 2010.

7. That Plaintiff's counsel requests reasonable attorney's fees in the amount of \$500.00 for the preparing and filing of this petition as well as reimbursement of filing fees.

8. No agreement has been reached between the parties for an extension of time for the delivery of the settlement funds.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court grant the instant motion.

RESPECTFULLY SUBMITTED,

BY:           /s/ Stuart A. Carpey            
STUART A. CARPEY, ESQUIRE  
ATTORNEY FOR PLAINTIFF

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**MEMORANDUM OF LAW**

Plaintiff relies on Philadelphia Civil Rule 229.1 and in accordance therewith files the instant motion for sanctions. Defendants, Doug Kyum Chun and Sun Zoo Chun, have failed to comply with said rule, do not have any excuse for failing to comply, and therefore the enclosed order should be granted.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court grant the instant motion.

RESPECTFULLY SUBMITTED,

BY:           /s/ Stuart A. Carpey            
STUART A. CARPEY, ESQUIRE  
ATTORNEY FOR PLAINTIFF

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**AFFIDAVIT OF STUART A. CARPEY**

I, Stuart A. Carpey, Esquire, being duly sworn, do hereby state the following facts based on my personal knowledge and belief:

1. I have first hand personal knowledge of this manner set forth herein.
2. That the instant matter settled for a global settlement of \$70,000.00 with all defendants and specifically for \$62,500.00 with Defendants, Doug Kyum Chun and Sun Zoo Chun.
3. That the signed and notarized settlement agreement and release was mailed to Attorney, Randy C. Greene, Esquire on December 23, 2009.
4. That Attorney, Randy C. Greene, Esquire, has acknowledged receiving same.
5. Despite efforts by way of several phone calls to Attorney, Randy C. Greene, Esquire, to determine when Defendants, Doug Kyum Chun and Sun Zoo Chun will deliver the settlement funds, I was unable to resolve the dispute, nor have I been able to determine when Defendants, Doug Kyum Chun and Sun Zoo Chun intend on delivering the settlement funds.

6. All other defendants have delivered their settlement funds to my office.

7. That simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which this affidavit was filed is 3.25%, and pursuant to Philadelphia Local Rule 229.1 Defendants, Doug Kyum Chun and Sun Zoo Chun must be sanctioned for failure of delivery of its \$62,500.00 in settlement funds and the date that interest should begin running from is January 24, 2010.

8. That Plaintiff's counsel requests reasonable attorney's fees in the amount of \$500.00 for the preparing and filing of this petition as well as reimbursement of filing fees.

9. No agreement has been reached between the parties for an extension of time for the delivery of the settlement funds.

KREITHEN, BARON & CARPEY, P.C.

BY:           /s/ Stuart A. Carpey            
STUART A. CARPEY, ESQUIRE  
ATTORNEY FOR PLAINTIFF

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**CERTIFICATION OF SERVICE**

**TO:**

Steven M. Dranoff, Esquire  
Dranoff Associates  
121 South Broad Street  
Suite 1210  
Philadelphia, PA 19107

Fred B. Buck, Esquire  
Rawle & Henderson LLP  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107

Randy C. Greene, Esquire  
Dungan, Brinkmann, Maginnis and Pace  
1880 John F. Kennedy Boulevard  
14<sup>th</sup> Floor  
Philadelphia, PA 19103

I do hereby certify that service of a true and correct copy of the within motion was made on this 3<sup>rd</sup> day of February, 2010, to the counsel above named by first class mail, postage prepaid.

KREITHEN, BARON & CARPEY, P.C.

BY:           /s/ Stuart A. Carpey            
STUART A. CARPEY, ESQUIRE  
ATTORNEY FOR PLAINTIFF