

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

ABIMBOLA SODEKE A/K/A SARAH
SODEKE AND ADEBISI ADEYEMI,

Appellants

v.

EMMANUEL OPAWUMI AND EDWARD
PARNES, INDIVIDUALLY AND TRADING
AS PHILADELPHIA MENTAL HEALTH
CENTER,

Appellees

v.

STAFFMORE, LLC AND PROGRESSIONS
COMPANIES INC.,

Appellees

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 2232 EDA 2013

Appeal from the Order May 30, 2013
In the Court of Common Pleas of Philadelphia County
Civil Division at No(s): May Term, 2011 No. 02366

BEFORE: BOWES, OTT, and JENKINS, JJ.

JUDGMENT ORDER BY BOWES, J.:

FILED FEBRUARY 25, 2014

Abimbola Sodeke a/k/a Sarah Sodeke and Adebisi Adeyemi appeal from the May 30, 2013 order dismissing Edward Parnes, individually and trading as Philadelphia Mental Health Center ("PMHC") and Staffmore, LLC from this action. We quash.

Appellants instituted this action on May 20, 2011 against Emmanuel Opawumi, who was personally served with the original complaint on May 29,

2011, as well as other named defendants. After the third amended complaint was filed, the following parties were named defendants: PMHC; Mr. Opawumi; Elwyn Institute; Progressions Companies Inc.; and Staffing Plus Inc. After stipulations were entered, Elwyn Institute, Progressions Companies Inc., and Staffing Plus Inc. were all dismissed as defendants. On October 2, 2012, PMHC was granted permission for the late joinder of Staffmore, LLC as an additional defendant. Appellants obtained a default judgment against Mr. Opawumi on October 21, 2011, due to his failure to file an answer to the complaint. On May 30, 2013, PMHC and Staffmore, LLC were granted summary judgment. At that time, Mr. Opawumi remained a named defendant. The present appeal was filed on June 25, 2013.

We note that, before we can reach the merits of an appeal, we must determine whether we have jurisdiction. ***Gunn v. Automobile Ins. Co. of Hartford, Connecticut***, 971 A.2d 505, 508 (Pa.Super. 2009). Appellees both maintain that the present appeal is interlocutory since Mr. Opawumi was never dismissed. We agree. Subject to exceptions that are inapplicable herein, this Court has jurisdiction only from final orders. Pa.R.A.P. 341(a) (“an appeal may be taken as of right from any final order of an administrative agency or lower court”); ***Commonwealth v. Scarborough***, 64 A.3d 602, 608 (Pa. 2013) (“As a general rule, subject to some exceptions noted by the Superior Court herein, . . . appellate courts have jurisdiction only over appeals taken from a final order.”). A final order is an order that disposes of all claims and of all parties, or is expressly defined as a final

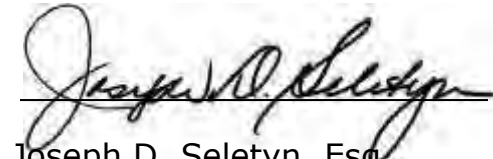
order by statute or the ordering court. Pa.R.A.P. 341(b) (defining a final order as one that “(1) disposes of all claims and of all parties; or (2) is expressly defined as a final order by statute; or (3) is entered as a final order pursuant to subdivision (c) of this rule.”).¹

The present appeal has been taken from an interlocutory order since, after entry of summary judgment in favor of PMHC and Staffmore, LLC, Mr. Opawumi remained a defendant herein. ***K.H. v. J.R.***, 826 A.2d 863, 869 (Pa. 2003) (“in an action involving multiple defendants, and in the absence of an express determination by the trial court under Rule 341(c), an order granting summary judgment as to one party is treated as appealable as of right only after the disposition of the claims involving the remaining parties”). Appellants can proceed to obtain relief against Mr. Opawumi, who has not filed a petition to open or strike the default judgment entered against him. ***See Mother's Restaurant Inc. v. Krystkiewicz***, 861 A.2d 327(Pa.Super. 2004). Accordingly, we must quash this appeal. ***Kuhn ex rel. Kuhn v. Chambersburg Hosp.***, 739 A.2d 198 (Pa.Super. 1999); ***Brickman Group, Ltd. v. CGU Ins. Co.***, 829 A.2d 1160 (Pa.Super. 2003).

Appeal quashed.

¹ Under a protocol that was not utilized herein, Pa.R.A.P. 341(c) permits an order that does not dismiss all claims as to all parties to be appealed when the court issues a determination of finality.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", is written over a horizontal line.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 2/25/2014