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Jon M. Adelstein, Esq.  
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Suite 105  
350 S. Main St.  
Doylestown, PA 18901

COURT OF COMMON PLEAS OF LANCASTER COUNTY  
CIVIL ACTION-LAW

OPENING DAY PARTNERS, LLC  
Plaintiff

VS.

No. 09-08603

ARLINGTON CAPITAL MORTGAGE  
CORP.

Defendant

2009 JUN 26 11 51 AM '09  
CLERK OF COURT

ANSWER

Defendant, Arlington Capital Mortgage corp. hereby responds to the complaint of Opening Day Partners, L.L.C. as follows:

1. Admitted.
2. Denied. Defendant has neither a mailing address or business offices at 1707 Oregon Pike, Lancaster, PA 17601.
3. No response is required.
4. Denied that any contract with Plaintiff was executed by an authorized officer or other authorized employee of Defendant.
5. Denied that any authorized officer or other authorized employee of Defendant executed a "Skybox Agreement" with Plaintiff.
6. Denied that that Exhibit "A" sets forth services provided or the dates, forms and prices of the putative services allegedly rendered. Strict proofs of all allegations made in this paragraph are demanded.

7. Denied that defendant received or accepted any services. Strict proofs of all allegations made in this paragraph are demanded.

8. Denied that the prices set forth in Exhibit "A" are fair and reasonable market prices.

9. Admitted.

10. Denied that Defendant is in breach of its agreement. Denied that defendant has violated the terms and conditions of its agreement.

11. Denied. that Plaintiff provided Defendant of notice of Plaintiff's breach of any agreement.

12. Admitted that Defendant has not made any payment to Plaintiff pursuant to any demand of Plaintiff. Denied that said demand was proper.

13. Denied. The agreement speaks for itself.

14. Denied that Plaintiff has incurred attorney's fees and costs in the amount of \$ 41,626. Denied that Plaintiff is entitled to attorney's fees Strict proof of all allegations made in this paragraph are demanded.

15. Admitted.

**WHEREFORE**, Defendant prays for judgment in its favor and against Plaintiff holding that Defendant is not indebted to Plaintiff in any amount whatsoever.

15 (sic), No response is required.

16. Denied that Plaintiff is suing for the reasonable value of the licenses, exclusive usage of a certain skybox and associated services allegedly provided by Plaintiff to Defendant.

17. Admitted.

18. Denied that Plaintiff has suffered any damages as a result of any action or inaction by Defendant. Strict proof of all allegations made in this paragraph is demanded.

19. Denied that Defendant has obtained any benefit from any failure to pay Plaintiff. Strict proof of all allegations made in this paragraph is demanded.

**WHEREFORE**, Defendant prays for judgment in its favor holding that Defendant is not indebted to Plaintiff in any amount whatsoever.

20. No response is required.

21. Denied that defendant made promises either orally or otherwise that Defendant knew to be false or misleading. Denied that Defendant misrepresented its financial condition or the financial stability of its business. Strict proof of all allegations set forth in this paragraph is demanded.
22. Denied that Plaintiff relied on any representations of Defendant. Denied that Plaintiff suffered any financial loss as a result of any alleged representations of Defendant. Strict proof of all allegations set forth in this paragraph is demanded.
23. Denied that Defendant has suffered any economic damage. Denied that any economic damage suffered by Plaintiff resulted from any conduct or representations of Defendant. Strict proof of all allegations set forth in this paragraph is demanded.
24. Admitted.
25. Denied that Defendant committed any act which constitutes a breach of good faith and/or fair dealing. Strict proof of all allegations made in this paragraph is demanded.

**WHEREFORE**, Defendant prays for judgment in its favor and against Plaintiff holding that Defendant is not indebted to Plaintiff in any manner whatsoever.

Dated: July 27, 2009

Respectfully Submitted,

BY: 

Jon M. Adelstein, Esq.

350 S. Main Street Suite 105  
Doylestown, PA 18901  
(215) 230-4250

**COURT OF COMMON PLEAS OF LANCASTER COUNTY  
CIVIL ACTION-LAW**

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**OPENING DAY PARTNERS, LLC  
Plaintiff**

**VS.**

**No. 09-08603**

**ARLINGTON CAPITAL MORTGAGE  
CORP.**

**Defendant**

**CERTIFICATE OF SERVICE**

I, Jon M. Adelstein, counsel for Defendant, state that the following individuals were served with an Answer to Complaint by, postage prepaid mail on July 27, 2009.

Donna K. Osner, Esq.  
34 Higbee Avenue  
Somers Point, NJ 08244

Respectfully Submitted,

BY: 

Jon M. Adelstein, Esq.  
350 S. Main Street Suite 105  
Doylestown, PA 18901  
(215) 230-4250

**VERIFICATION**

I, Philip Russo, hereby verify that I am the Chief Executive Officer of Arlington Capital Mortgage Corporation, the defendant in this action and that the facts set forth in the foregoing Answer, are true and correct to the best of my knowledge, information and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

BY:   
Philip Russo