

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

THE HUNTINGTON NATIONAL BANK,  
SUCCESSOR IN INTEREST TO SKY BANK,

Appellee

v.

K-COR, INC.,

Appellant

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1266 WDA 2013

Appeal from the Order July 12, 2013  
In the Court of Common Pleas of Allegheny County  
Civil Division at No(s): GD13-009195

BEFORE: BENDER, P.J.E., BOWES, J., and ALLEN, J.

MEMORANDUM BY BENDER, P.J.E.:

**FILED DECEMBER 31, 2014**

K-Cor, Inc. appeals from the order entered on July 12, 2013, denying its petition to strike or open judgment entered by confession. We affirm.

The following facts are not in dispute. This case involves three commercial loans. In April 2001, Huntingdon National Bank's predecessor, Sky Bank, entered into a loan agreement and note with Appellant, pursuant to which the bank loaned \$150,000 to Appellant. The note provides for judgment by confession in the event of a default on the loan.

In April 2001, the bank and Appellant entered into a second loan agreement and note, pursuant to which the bank loaned an additional \$144,000 to Appellant. The note provides for judgment by confession in the event of a default on the loan.

In April 2001, the bank and Appellant entered into a third loan agreement and note, pursuant to which the bank loaned an additional \$50,000 to Appellant. The note provides for judgment by confession in the event of a default on the loan.

Following default and notice, Huntingdon National Bank (hereinafter, the Bank) initiated this action in May 2013, filing a complaint in confession of judgment. Thereafter, judgment was entered in the total amount of \$365,432.08.

In June 2013, Appellant filed a petition to strike or open the judgment, comprised of a single paragraph averring that it had not voluntarily, intelligently, and knowingly given up its right to notice and a hearing prior to the entry of judgment. In July 2013, following argument, the trial court denied Appellant's petition, concluding that Appellant had failed to raise a meritorious defense to the confessed judgment. The trial court further denied Appellant's oral motion to amend its petition, concluding that the general rule permitting liberal amendment of pleadings does not apply to a petition to strike or open. **See** Trial Court Order, 07/12/2013. Appellant filed a motion for reconsideration, attaching proposed amendments to its petition, which was denied thereafter by the trial court. Appellant timely appealed and filed a court-ordered Pa.R.A.P. 1925(b) statement. The trial court submitted a responsive opinion, addressing both the defect in

Appellant's initial petition as well as the substantive merit of Appellant's proposed amendments.

Appellant raises the following issues on appeal:

[1.] Whether or not the [trial] [c]ourt abused its discretion in failing to grant the motion for amendment of a petition, when good and cognizable defenses are presented at the time of the presentment of the petition and request for amendment and incorporation of allegations at related cases?

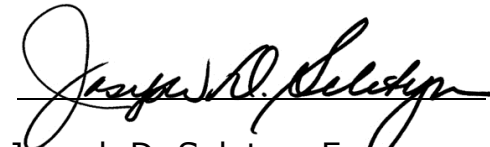
[2.] Whether or not the [trial] [c]ourt abused its discretion in failing to grant reconsideration of the denial of the motion for amendment of a petition?

Appellant's Brief at "vi."

We affirm the order of the trial court based upon our reasoning in ***The Huntington National Bank v. K-Cor, Inc.***, --- A.3d --- (Pa. Super. 2014) (1265 WDA 2013).

Order affirmed.

Judgment Entered.



Joseph D. Seletyn, Esq.  
Prothonotary

Date: 12/31/2014