

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

**3 Step Sports LLC v. Vanguard Elite Volleyball Academy, LLC,
Center Court Events, LLC, Brian McCann, Christine A. McCann,
Bridget Carey, Nicole Reels, John Schott, Christopher Smith, G3
Sports, LLC, MCB Solutions LLC, L&N Business Advisory LLC**

3 Step Sports · No. No. 25-2853 · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants the plaintiff's motion to dismiss former employees' and related businesses' Pennsylvania common-law abuse-of-process counterclaim. The court holds that the counterclaim is compulsory and within supplemental jurisdiction, but that filing and maintaining a lawsuit, disseminating pleadings, and allegedly pursuing improper motives do not constitute abuse of process because the claim identifies no improper use of legal process beyond the complaints themselves.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Mark A. Kearney
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	November 25, 2025
DOCKET	No. 25-2853
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff moved to dismiss the defendants' counterclaim for Pennsylvania common-law abuse of process under Federal Rule of Civil Procedure 12(b)(6), also challenging jurisdictional sufficiency.
STANDARD OF REVIEW	On a motion to dismiss, the court accepted well-pleaded allegations as true and determined whether they plausibly stated a claim for relief.
PRECEDENTIAL VALUE	Unknown; district-court memorandum opinion with no reporter citation identified.

TOPICS

motions to dismiss

subject matter jurisdiction

personal jurisdiction

civil procedure

commercial litigation

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Pennsylvania tort law

Trade-secret and commercial litigation

QUESTIONS PRESENTED

1. Whether the abuse-of-process counterclaim was compulsory and within the court's supplemental jurisdiction.
2. Whether filing and maintaining the lawsuit, disseminating the complaints, and making related threats plausibly constituted abuse of process under Pennsylvania law.

HOLDINGS

1. The abuse-of-process counterclaim was compulsory because it had a logical relationship and meaningful factual and legal overlap with 3 Step's claims, so the court could exercise supplemental jurisdiction without an independent jurisdictional basis.
2. The defendants failed to state an abuse-of-process claim because the initiation or maintenance of a lawsuit, including reliance on the complaint and amended complaint, does not constitute abuse of process under Pennsylvania law.

KEY QUOTATIONS

“The common law tort of abuse of process under Pennsylvania law is defined as “the use of legal process against another primarily to accomplish a purpose for which it is not designed.”” (Section III.B)

“The “touchstone” of an abuse of process claim is “subsequent to the issuance of process, a party has perversely, coercively, or improperly used that process.”” (Section III.B)

“The initiation or maintenance of a lawsuit does not constitute abuse of process under Pennsylvania law.” (Section III.B)

FACTUAL BACKGROUND

3 Step Sports sued former employees and their new youth-volleyball businesses for alleged breaches of confidentiality and loyalty obligations, trade-secret misappropriation, interference, fiduciary-duty violations, and conspiracy. The defendants alleged that 3 Step disseminated its pleadings to coaches and families, made threats, asserted contract claims based on nonexistent restrictive covenants, and used the litigation to deter competition and pressure the defendants. Their abuse-of-process counterclaim relied on the complaint and amended complaint, along with related threats and conduct.

PROCEDURAL HISTORY

3 Step Sports sued former employees and related businesses asserting federal and state trade-secret, contract, fiduciary-duty, and tort claims. The court previously dismissed certain restrictive-covenant contract claims with prejudice and allowed a narrowly tailored second amended complaint. Several defendants answered and asserted

a counterclaim for abuse of process based principally on the filing and alleged dissemination of the complaint. The court held the counterclaim compulsory and within supplemental jurisdiction, but dismissed it for failure to state a claim.

DISPOSITION

dismissed

CASES CITED

- M.R. v. Ridley School District, 744 F.3d 112, 121 (3d Cir. 2014)
- Transamerica Occidental Life Insurance Co. v. Aviation Office of America, Inc., 292 F.3d 384, 389-91 (3d Cir. 2002)
- Great Lakes Rubber Corp. v. Herbert Cooper Co., 286 F.2d 631, 634 (3d Cir. 1961)
- Rice Drilling B, LLC v. Scott, 324 A.3d 663, 680 (Pa. Super. Ct. 2024)
- Lower Bucks County Joint Municipal Authority v. Koszarek, 244 A.3d 54, 72 (Pa. Commw. Ct. 2020)
- McCarthy v. Jauregui, No. 21-1759, 2024 WL 1313868, at *5-7 (M.D. Pa. Mar. 27, 2024)
- L. Offices of Bruce J. Chasan, LLC v. Corcoran, No. 1148 EDA 2024, 2025 WL 2814839, at *5 (Pa. Super. Ct. Oct. 3, 2025)
- Rosen v. American Bank, 627 A.2d 190, 192 (Pa. Super. Ct. 1993)
- Trustees of the General Assembly of the Lord Jesus Christ of the Apostolic Faith, Inc. v. Patterson, No. 21-634, 2023 WL 3767737, at *7 (E.D. Pa. June 1, 2023)
- Houck v. United States, No. 24-2151, 2025 WL 725261, at *6-7 (E.D. Pa. Mar. 6, 2025)
- General Refractories Co. v. Fireman's Fund Insurance Co., 337 F.3d 297, 304, 306 (3d Cir. 2003)
- EMC Outdoor, LLC v. Stuart, No. 17-5172, 2018 WL 3208155, at *3-4 (E.D. Pa. June 28, 2018)
- Barakat v. Delaware County Memorial Hospital, No. 97-2012, 1997 WL 381607, at *2 (E.D. Pa. July 2, 1997)
- Schwartz v. OneWest Bank, FSB, 614 F. App'x 80, 83-84 (3d Cir. 2015)
- Cameron v. Graphic Management Associates, Inc., 817 F. Supp. 18, 22 (E.D. Pa. 1992)

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