

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

ROBERT CASEY	:	JULY TERM, 2016
	:	
vs.	:	No. 02028
	:	
XPEDX, XPEDX, VERITIV, VERITIV CORP.	:	CONTROL No. 18112712
FORD MOTOR CO., and FORD	:	

ORDER

AND NOW, this 29<sup>th</sup> day of November, 2018, upon consideration of Plaintiff's Motion for Reconsideration of the Court's Order of November 13, 2018, Granting Defendant Ford's Motion for Summary Judgment, it is hereby **ORDERED** and **DECREED** that the Motion for Reconsideration is **DENIED**.

In its six page Memorandum Order dated November 13, 2018, the Court explained that summary judgment was granted to Defendant Ford Motor Company because Plaintiff's answer to Ford's motion "was devoid of any evidence that supported his causes of action." Page 2. Plaintiff's general denials in his answer to that motion admitted the factual averments of Ford's summary judgment motion, and Plaintiff did not carry his burden to specifically identify the actual evidence in the record that supported his causes of action.

This motion for reconsideration asks the Court to change its ruling based upon a memorandum of law that Plaintiff failed to attach to the answer he filed with the Office of Judicial Records. Plaintiff attached a copy of that memorandum of law to this motion for reconsideration. The Court has read that memorandum of law, and nothing in it warrants reconsideration of the court's decision to grant summary judgment to Ford. It contains the same fatal errors that were in Plaintiff's answer to Ford's summary judgment motion.

Casey Vs Xpedx Etal-ORDER



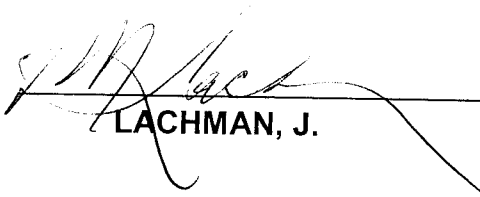
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Plaintiff's memorandum of law repeats the unsubstantiated claims in his answer to the motion: that he testified at his deposition regarding the delivery on July 29, 2014; how his injury occurred; and that his testimony created a genuine issue of fact precluding summary judgment. The Court rejected those claims because they were not supported by citations to pages in his deposition that supported Plaintiff's factual averments. Plaintiff never set forth the gist of that testimony, and Plaintiff did not attach a copy of his deposition to his answer to Ford's summary judgment motion. Memorandum Order pages 3 and 5-6.

The memorandum of law cites *White v. Owens-Corning Fiberglas, Corp.*, 668 A.2d 136, 142 (Pa. Super. 1995), for the proposition that the trial court was required to make an independent examination of the entire record before ruling on Ford's motion for summary judgment. However, "[o]ur Supreme Court's amendment of the summary judgment rules in 1996, and the promulgation of new Pa.R.C.P. 1035.3, negated prior cases that required an independent review of the record before the trial court could grant summary judgment. *Harber Philadelphia Ctr. City Office Ltd. v. LPCI Ltd. P'ship*, 764 A.2d 1100, 1104 (Pa. Super. 2000). Memorandum Order pages 4-5.

Nothing in the Plaintiff's memorandum of law warranted a reconsideration of the court's Memorandum Order granting summary judgment to Ford.

**BY THE COURT:**

  
LACHMAN, J.