

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Shawn Riley and Margaret :
Riley, h/w, :
Appellants :
v. : No. 1027 C.D. 2009
County of Delaware :

ORDER

NOW, April 1, 2010, having considered appellee's application for reargument and appellants' response, the application is denied.

The legal question of whether the sidewalk exception applies based on the on/of distinction is an issue that was not raised or developed before the trial court in the County of Delaware's second motion for summary judgment; was not addressed by the trial court in its order granting summary judgment; and was not raised or developed before this Court on appeal. Our order dated February 9, 2010 stating that the "matter is remanded to the trial court for further proceedings" was not intended to prohibit a proper filing raising this issue on remand.

BY THE COURT:

BONNIE BRIGANCE LEADBETTER,
President Judge