

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Deborah Ann Nardella,	:	
Appellant	:	
v.	:	No. 123 C.D. 2011
	:	
Southeastern Pennsylvania	:	
Transit Authority	:	

ORDER

NOW, January 26, 2012, before the Court is appellant Nardella's application for reconsideration.

In her application for reconsideration, Ms. Nardella asserts that Hall v. Southeastern Pennsylvania Transportation Authority, 596 A.2d 1153 (Pa. Cmwlth. 1991) cited on page 11 of this Court's opinion is not the "Hall v. SEPTA" to which she referred in her appellate brief as supporting her argument in opposition to the grant of summary judgment in SEPTA's favor. Ms. Nardella did not provide a citation to "Hall v. SEPTA" either in her brief or in her application for reconsideration. However, she did provide additional information in her application, which has enabled us to find the matter to which we believe she was referring. We believe she was referring to a matter that went to trial in

the Court of Common Pleas of Philadelphia County involving a child whose foot was caught and severed by an improperly maintained SEPTA escalator. However, it appears that the case ultimately settled after a jury verdict in favor of the child, and it also appears that there was no opinion in that case at either the trial or appellate court level. In the absence of precedent supporting the principle of law asserted by Ms. Nardella, we cannot say the trial court erred in the present matter.

Therefore, the application for reconsideration is denied.

BY THE COURT:

DAN PELLEGRINI,
President Judge