

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

EMALCOM RODRIQUEZ, A MINOR BY : No. 467 EAL 2001
AND THROUGH HIS MOTHER AND :
NATURAL GUARDIAN, MADELINE :
RODRIQUEZ, : Petition for Allowance of Appeal from the
: Order of the Commonwealth Court

Petitioner

v.

SCG MORTGAGE CORPORATION, :
SUNCOAST SAVINGS AND LOAN, :
BANKUNITED FSB AND BARNETT :
BANK, SAFEGUARD PROPERTIES, :
INC. AND JOSEPH AND KIM MAJKA, :

Respondents

EMALCOM RODRIQUEZ, A MINOR BY :
AND THROUGH HIS MOTHER AND :
NATURAL GUARDIAN, MADELINE :
RODRIQUEZ, :

Petitioner

v.

SAFEGUARD PROPERTIES, INC., :
JOSEPH AND KIM MAJKA, CITY OF :
PHILADELPHIA AND THE :
DEPARTMENT OF TRANSPORTATION :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :

Respondents

ORDER

PER CURIAM:

AND NOW, this 22nd day of June, 2004, the Petition for Allowance of Appeal is hereby GRANTED, and the order of the Commonwealth Court is VACATED. See Walker v. Eleby, ___ Pa. ____, 842 A.2d 389 (2004). The matter is REMANDED for consideration of the City of Philadelphia's alternative claimed basis for summary judgment.