

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-2921

LIFE CELEBRATION, INC.,

Appellant

v.

XEROX CORPORATION

Appeal from the United States District Court
For the Eastern District of Pennsylvania
(District Court No. 2:18-CV-02941)
District Judge: Hon. Gene E.K. Pratter

Argued May 20, 2021

Before: McKee, Restrepo, Fuentes, *Circuit Judges.*

(Opinion filed: June 11, 2021)

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OPINION*

McKee, *Circuit Judge*.

Life Celebration appeals the dismissal of its claim that Xerox breached its duty as a landlord by failing to inspect and maintain the HVAC system and other environmental controls in the space Life Celebration subleased from Xerox. The district court held that Life Celebration did not present evidence that Xerox owed the prerequisite duty and granted summary judgment. We agree and will affirm.

In a thorough and well-reasoned Memorandum Opinion, the district court explained why it granted summary judgment.¹ The court carefully considered and rejected Life Celebration's argument that Xerox owed the asserted duty. Life Celebration failed to provide evidence from the Managed Service Agreement between it and Xerox or present arguments based on relevant principles of property law that this duty indeed existed. We can add little to elaborate on the district court's analysis and discussion.

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

¹ *Life Celebration, Inc. v. Xerox Corp.*, No. 18-2941, 2020 WL 5096945 (E.D Pa Aug. 28, 2020).

Accordingly, we will affirm the district court substantially for the reasons set forth in its August 28, 2020 Memorandum and Order.