

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|---|---|-------------------|
| <p>JAMES J. DOYLE and<br/>JOAN E. DOYLE, h/w<br/>Plaintiffs,</p>    | : |                   |
| v.  | : | CIVIL NO. 08-4273 |
| SOUTHEASTERN PENNSYLVANIA<br>TRANSPORTATION AUTHORITY<br>Defendant. | : |                   |

**ORDER**

AND NOW, this 13<sup>th</sup> day of January, 2010, upon consideration of: Plaintiffs' Motion for Summary Judgment (Doc. No. 31); Defendant's Cross Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment (Doc. No. 35); Plaintiffs' Response to Defendant's Motion for Summary Judgment (Doc. No. 37); Defendant's Reply to Plaintiffs' Response to Cross Motion for Summary Judgment (Doc. No. 42); and, Plaintiffs' Sur Reply in Opposition to Defendant's Cross Motion for Summary Judgment (Doc. No. 43), it is hereby ORDERED and DECREED that:

- (1) Plaintiffs' Motion for Summary Judgment on the basis that Defendant failed to "immediately" reinstate him to his former position of Conductor in accordance with the arbitration Award is DENIED; and,
- (2) Defendant's Cross-Motion for Summary Judgment is GRANTED to the extent that the August 1, 2008 Agreement constituted a final and binding decision regarding Mr. Doyle's reinstatement to position of Conductor and that said reinstatement was conditioned upon satisfactory completion of "refresher training;" but is DENIED AS MOOT regarding Mrs. Doyle's lack of standing in this case.<sup>1</sup>

BY THE COURT:

/s/ C. Darnell Jones II J.

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<sup>1</sup> This Court notes that other issues remain regarding Mr. Doyle's claims for retirement benefits, railroad credit, seniority, and vacation time. Inasmuch as neither party raised these issues in their Motions, this case shall proceed on said bases.