

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

**JAMES OETTING, Individually and on
behalf of all others similarly situated,
Plaintiff,**

CIVIL ACTION

v.

NO. 11-4757

**HEFFLER, RADETICH & SAITTA, LLP,
EDWARD J. SINCAVAGE,
EDWARD J. RADETICH, JR., and
MICHAEL T. BANCROFT,
Defendants.**

ORDER

AND NOW, this 15th day of December, 2017, upon consideration of defendants' Motion for Reconsideration or, in the Alternative, to Certify Order for Interlocutory Appeal (Doc. No. 118), and plaintiffs' Reply (*sic*) to Defendants' Motion for Reconsideration or, in the Alternative, to Certify Order for Interlocutory Appeal (Doc. No. 119), for the reasons stated in the accompanying Memorandum dated December 15, 2017, **IT IS ORDERED** that part of defendants' Motion seeking reconsideration of application of the Missouri savings statute, Mo. Ann. Stat. § 516.230, to two legally distinct plaintiffs is **GRANTED**. The Court **DETERMINES** that the Missouri savings statute is inapplicable to the claims in this case. Defendant's Motion for Reconsideration is **DENIED** in all other respects.

The Court having concluded that the applicable Pennsylvania statute of limitations expired on November 20, 2010, and that this case was not filed until February 8, 2011, **IT IS FURTHERED ORDERED** that **JUDGMENT IS ENTERED**, sua sponte, in favor of defendants Heffler, Radetich & Saitta, LLP, Edward J. Sincavage, Edward J. Radetich, Jr., and Michael T. Bancroft, and against plaintiff James Oetting, individually and on behalf of all others similarly situated.

IT IS FURTHER ORDERED that, excepting only as set forth above and in the Memorandum dated December 15, 2017, the Memorandum & Order dated August 11, 2017 (Doc. Nos. 116, 117), continues in effect.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.