

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

ELIZABETH ANN NACE,

Plaintiff,

v.

**FAITH CHRISTIAN ACADEMY, RYAN
CLYMER AND RUSSELL
HOLLENBACH,**

Defendants.

CIVIL ACTION

NO. 15-333

ORDER

AND NOW, this 29th day of March, 2019,

1. **WHEREAS**, on August 6, 2018, the U.S. Court of Appeals for the Third Circuit vacated and remanded this Court's grant of summary judgment in favor of Defendants on Plaintiff's negligence *per se* claim, and directed this Court to "assess whether there exists a genuine dispute of material fact on the other required elements for a negligence *per se* claim," *see Nace v.*

Pennridge Sch. Dist., 744 Fed.Appx. 58, 64 (3d Cir. Aug. 6, 2018);

2. **WHEREAS**, the vacatur of this Court's summary judgment decision rendered Defendant's Motion to Preclude Testimony of Plaintiff's Expert Brad M. Jackman ripe for adjudication;

3. **WHEREAS**, the Court has considered the parties' supplemental briefing, Defendant Faith Christian Academy's Supplemental Memorandum in Support of Summary Judgment (ECF No. 112); Plaintiff's Supplemental Memorandum in Opposition thereto (ECF No. 115); Defendant Faith Christian Academy's Reply in Support thereof (ECF No. 116); Plaintiff's Sur-Reply in Opposition thereto (ECF No. 119); Defendants Ryan Clymer and Russell Hollenbach's

Supplemental Memorandum in Support of Summary Judgment (ECF No. 111); and Plaintiff's Supplemental Memorandum in Opposition thereto (ECF No. 114);

IT IS ORDERED that:

1. With respect to Plaintiff's negligence *per se* claim, Defendant Faith Christian Academy's motion for summary judgment (ECF No. 53) is **DENIED**;
2. Defendants Clymer and Hollenbach's motion for summary judgment to preclude punitive damages (ECF No. 52) is **DENIED**;
3. Defendant Faith Christian Academy's motion in limine to preclude the testimony of Brad M. Jackson, Esq. (ECF No. 51) is **DENIED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.