TROJECKI et al v. THE UNITED STATES OF AMERICA Doc. 38

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

LINDA TROJECKI and MICHAEL TROJECKI, h/w, Plaintiffs, vs. THE UNITED STATES OF AMERICA, Defendant.	:	CIVIL ACTION NO. 11-5379

ORDER

AND NOW, this 5th day of March, 2013, upon consideration of the Motion of Defendant, The United States of America, to Exclude the Expert Testimony of John S. Posusney, P.E., and for Summary Judgment (Dkt. No. 26) filed on January 7, 2013, Plaintiff's Response (Dkt. No. 29) filed on January 24, 2013, and Defendant's Reply Brief (Dkt. No. 32) filed on March 5, 2013; and for the reasons expressed in the foregoing Memorandum,

IT IS ORDERED that Defendant's Motion to to Exclude the Expert Testimony of John S. Posusney, P.E. is **DENIED** without prejudice.

IT IS ORDERED that Defendant's Motion for Summary Judgment is **GRANTED** as uncontested as to Count II of Plaintiff's Complaint. In all other respects, Defendant's Motion for Summary Judgment is **DENIED.**

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN
United States Magistrate Judge

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