

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

A.M., a minor, by and through her parent :  
and natural guardian, GRETCHEN :  
FORGIONE, and GRETCHEN FORGIONE :  
in her own right, :  
Plaintiffs :

v. :

LANDSCAPE STRUCTURES, INC., :  
Defendant/Third-Party Plaintiff :

CIVIL NO. 1:14-CV-1376

v. :

CHAMBERSBURG AREA SCHOOL :  
DISTRICT, HAMILTON HEIGHTS :  
ELEMENTARY SCHOOL, and GEORGE :  
ELY ASSOCIATES, INC., :  
Third-Party Defendants :

*ORDER*

AND NOW, this 19th day of May, 2017, upon consideration of Defendant Landscape Structures, Inc.'s motion (Doc. 53) for summary judgment, and in accord with the accompanying memorandum, it is ORDERED that:

- (1) The motion (Doc. 53) is GRANTED and the claims in Plaintiffs' Complaint (Doc. 1-1) are dismissed with prejudice based on the Pennsylvania Statute of Repose, 42 Pa. Cons. Stat. § 5536.
- (2) The Clerk of Court shall enter judgment against Plaintiffs and in favor of Defendant Landscape on all claims in Plaintiffs' Complaint.
- (3) The motion (Doc. 68) for summary judgment by Third-Party Defendants Chambersburg Area School District and Hamilton Heights Elementary School against Landscape Structures, Inc. is DISMISSED as MOOT.
- (4) The Clerk of Court shall CLOSE this case.

/s/ William W. Caldwell  
William W. Caldwell  
United States District Judge