

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

THE UNITED STATES DEPARTMENT OF TRANSPORTATION, ex rel. AUGUST W. ARNOLD, an individual, Plaintiff, v. CMC ENGINEERING, ERDMAN ANTHONY ASSOCIATES, INC., L. ROBERT KIMBALL & ASSOCIATES, M.A. BEECH, MACKIN ENGINEERING, MCTISH, KUNKEL & ASSOCIATES, MICHAEL BAKER, JR., INC., SAI CONSULTING ENGINEERS, INC., and VE ENGINEERING, INC., Defendants. No. 03-1580 The Honorable Gary L. Lancaster

DEFENDANT MICHAEL BAKER JR., INC.'S MOTION FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 28, 2010 MEMORANDUM DECISION AND ORDER DENYING BAKER'S MOTION TO DISMISS

Defendant Michael Baker, Jr., Inc. ("Baker"), by and through its undersigned counsel, hereby moves this Court to reconsider its September 28, 2010 Memorandum Decision and Order (Doc. 299) denying Baker's motion to dismiss Relator August W. Arnold's Third Amended Complaint (Doc. 210) under Fed. R. Civ. P. 9(b) and 12(b)(6). (Doc. 245). The grounds for this Motion are set forth in the accompanying Memorandum of Law, which Baker incorporates herein by reference as if set forth in full.

A proposed Order for consideration by this Court is submitted with this Motion.

AND NOW, THIS 29th DAY OF Oct 10, IT IS HEREBY ORDERED THAT THE WITHIN MOTION IS DENIED.. Gary L. Lancaster, UNITED STATES DISTRICT JUDGE