

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

COMMUNITY VOCATIONAL)	CIVIL ACTION NO. 09-1572
SCHOOLS OF PITTSBURGH, INC., a)	
corporation, individually and as the)	
representative of a class of similarly situated)	
persons,)	
)	
Plaintiff,)	
)	
v.)	
)	
MILDON BUS LINES, INC., a Pennsylvania)	
corporation,)	
)	
Defendant/ Third Party Plaintiff,)	
)	
v.)	
)	
CAROLINE ABRAHAM and JOEL)	
ABRAHAM,)	
)	
Third Party Defendants.)	

MEMORANDUM OPINION

Conti, Chief District Judge

Plaintiff Community Vocational Schools of Pittsburgh, Inc. (“Community Vocational Schools”) filed a motion to certify class on July 7, 2017, (ECF No. 97), and brief in support thereof. (ECF No. 98.) On August 7, 2017, Defendant Mildon Bus Lines (“Mildon”) filed a response in opposition, (ECF No. 104), and Community Vocational Schools filed its reply brief on August 28, 2017. (ECF No. 109.) A hearing on the motion to certify a class was held on September 19, 2017, and the parties were ordered to file supplemental briefs. (Minute Entry & Order 9/20/2017.) Community Vocational Schools filed its supplemental brief on September 26, 2017, (ECF No. 112), and Mildon filed its supplemental brief in response on October 3, 2017. (ECF No. 113.)

This court by separate order dated February 9, 2018, granted Mildon's motion for summary judgment, holding that Community Vocational Schools lacked standing and that a reasonable jury could not render a verdict in favor of Community Vocational Schools. The class cannot be certified because in order to pursue a class action claim on behalf of itself and the putative class, the named plaintiff must have standing. In re Horizon Healthcare Servs. Inc. Data Breach Litig., 846 F.3d 625, 634 (3d Cir. 2017). Community Vocational Schools, the only named plaintiff, does not have standing. Counsel for plaintiff shall have thirty (30) days to file a motion to substitute a new plaintiff. Failure to do so will result in dismissal of the amended complaint. An appropriate order denying the motion to certify a class without prejudice will be entered.

DATED: February 9, 2018

BY THE COURT:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge