

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

SHABNAM S. LOSCH and HARRY L. LOSCH, :
 :
 Plaintiffs :
 :
 v. : **No. 05-00,907**
 : **CIVIL ACTION**
 LITTLE LEAGUE BASEBALL, INC. :
 Defendant :

OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)
OF THE RULES OF APPELLATE PROCEDURE

The Plaintiffs’ appeal this Court’s September 8, 2006 grant of the Defendant’s Motion for Summary Judgment. In their October 25, 2006 Statement of Matters Complained of on Appeal, the Plaintiffs challenge the Court’s decision on two grounds: first, the Plaintiffs contend that the Court erred by applying the “No-Duty Rule” (hereinafter, “Rule”) to the instant matter and, in the alternative, if the Rule does apply, that the Court erred by refusing to find that the Plaintiffs had adequately proved that, based on their expert report, that they fall under an exception to the application of the Rule; and second, the Plaintiffs contend that the Court erred by refusing to find that the Defendant undertook a duty to protect the Plaintiffs when an usher, employed by the Defendant, directed the Plaintiffs, pursuant to their request, to handicapped seating.

By way of Opinion, this Court will rely on its September 8, 2006 Opinion and Order regarding the Defendant’s Motion for Summary Judgment as it addressed the same issues the Plaintiffs raise on appeal.

By the Court,

Date: _____

Nancy L. Butts, Judge

xc: Robert A. Hoffa, Esq.
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Hon. Nancy L. Butts
Gary L. Weber, Esq. (Lycoming Reporter)
Laura R. Burd, Esq. (Law Clerk)