

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

MICHAEL J. CERVINSKY and	:
LORRAINE C. CERVINSKY,	:
Administrators for the ESTATE OF	:
RYAN J. CERVINSKY, and in their	: No. 03-01,731
Individual capacity	:
Plaintiffs	:
	:
vs.	: CIVIL ACTION – LAW
	:
BRIAN S. HOBENSACK, KIMBERLY	:
GETZ, GENERAL MOTORS	:
CORPORATION, THE PEP BOYS-	:
MANNY MOE & JACK,	: Defendant General Motors’
RALLY MANUFACTURING, INC.	: Motion for Partial Summary Judgment
Defendants	:

ORDER

AND NOW, this ___ day of April 2007, the Court GRANTS Defendant’s partial summary judgment related to punitive damages. There is no binding authority directly on point on whether Michigan law or Pennsylvania law would apply to Plaintiffs’ punitive damages claim. Punitive damages are not recoverable under Michigan law. The Court also does not believe Plaintiffs have produced sufficient evidence of outrageous conduct on the part of GM for the case to be submitted to the jury under Pennsylvania’s law regarding punitive damages.

By The Court,

Kenneth D. Brown, P.J.

cc: Matthew Ziegler, Esquire (Plaintiffs’ counsel)
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Work file