

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

**DEBORAH COLOCINO,**  
**Plaintiff**

vs.

**BOROUGH OF JERSEY SHORE,**  
**Defendant**

:  
: **No. 06-02,225**  
:  
: **CIVIL ACTION – LAW**  
:  
:  
: **Order denying Defendant’s**  
: **Motion for Summary Judgment**

**ORDER**

AND NOW, this \_\_\_ day of November 2007, the Court DENIES Defendant’s Motion for Summary Judgment.

It appears to the Court that the parties agreed Plaintiff would resign her position with Defendant and she would be paid a severance package consisting of six months salary, six months of medical insurance benefits, and accrued but unused vacation, sick and comp time as of January 16, 2006. The evidence of the case seems to show both parties agreed to the above.

The dispute in the case is that Defendant believes that this package would in total be a figure of approximately \$39,000. Plaintiff believes Defendant’s computation is not accurate, as it has not included unused sick time. See, Affidavit of Martha Gottschall, who was treasurer for Defendant at the time in question. This is a factual dispute between the parties to this litigation. To grant Defendant summary judgment would be to accept their determination of what the correct number should be. Since this is a genuine issue of material fact, summary judgment cannot be granted.

In regard to the mandamus count, the Court cannot grant summary judgment

at this time, because it will need to determine if Plaintiff has an adequate remedy at law.

By The Court,

---

Kenneth D. Brown,  
President Judge

cc: Marc F. Lovecchio, Esquire  
Anthony R. Sherr, Esquire  
Mayer, Mennies, & Sherr, LLP  
3031 Walton Rd  
Building A, Suite 330  
P. O. Box 1547  
Blue Bell, PA 19422-0440  
Work file  
Gary Weber, Esquire (Lycoming Reporter)