

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

TIMOTHY LICHTER and	:	NO. 05-02365
MARY LICHTER, his wife,	:	
Plaintiffs	:	
	:	
vs.	:	CIVIL ACTION – LAW
	:	
	:	
RUTH E. M. DORAN, Executrix of	:	
the Estate of George E. Doran,	:	
Deceased,	:	
Defendant	:	Motion for Summary Judgment

ORDER

AND NOW, this ____ day of April 2007, the Court **DENIES** Defendant’s Motion for Summary Judgment. While the Court believes the Dead Man’s Act would preclude Plaintiff Timothy Lichter from testifying how the accident occurred, the Court finds decedent’s statements to the police after the accident would be admissible under Rule 803(25) of the Pennsylvania Rules of Evidence. The Court further finds that these statements, combined with photographs of the intersection that tend to show there were no obstructions prohibiting decedent from seeing Mr. Lichter, are sufficient to permit this case to proceed to trial on the issue of decedent’s negligence.¹

By The Court,

Kenneth D. Brown
President Judge

cc: Work file

¹ The Court notes that although there were no eyewitnesses to the accident, there are several witnesses Mr. Lichter’s injuries such as the emergency medical personnel who responded to the accident and Mr. Lichter’s treating physicians.

Gary Weber, Esquire (Lycoming Reporter)
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