

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

CONSTANCE J. CLINE, Administratrix :	:	
of the Estate of Susan Marie Cline, :	:	
Deceased :	:	
Plaintiff :	:	
	:	
v. :	:	No. 06-00,078
	:	CIVIL ACTION
ANDREW RITTER, :	:	
Defendant :	:	

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

The Plaintiff appeals this Court’s Opinion and Order of September 6, 2007 sustaining the Defendant’s Preliminary Objections and dismissing the complaint. The Plaintiff’s Notice of Appeal and Statement of Matters Complained of on Appeal were timely filed on October 4, 2007 and November 2, 2007 respectively. The Appellants raise two issues on appeal; the Court will address each issue *seriatim*.

Whether the Court erred in sustaining Defendant’s Preliminary Objections and dismissing the instant action because the Plaintiff did not file an Amended Complaint within thirty days from the discovery deadline when the discovery deadline was extended

The Court did not err in sustaining Defendant’s Preliminary Objections and dismissing the instant action. Pursuant to the Court’s September 11, 2006 Order, the Plaintiff was to file an Amended Complaint within thirty days of the discovery deadline. At the October 24, 2006, Civil Caseflow Conference, the discovery deadline was set for June 11, 2007. While the discovery deadline was extended by an Amended Scheduling Order signed by the Court on April 13, 2007, Plaintiff’s Amended Complaint was still due within thirty days of the June 11, 2007 discovery deadline. As the Plaintiff did not file an Amended Complaint within thirty days of the June 11, 2007 discovery deadline pursuant to the September 11, 2006 Court Order, the Defendant’s Preliminary Objections were sustained and the above-captioned matter was dismissed.

Whether the Court erred in granting the Defendant's Motion in Limine when the Motion was mooted by the dismissal of the instant action

The Court's rationale for the aforementioned challenged findings can be found in its September 6, 2007 Opinion and Order and the Court will therefore rely on that Opinion for purposes of the instant appeal.

By the Court,

Nancy L. Butts, Judge

xc: Lori A. Rexroth, Esq.
Bret J. Southard, Esq.
Hon. Nancy L. Butts
Trisha D. Hoover, Esq. (Law Clerk)
Gary L. Weber, Esq. (LLA)