

IN THE COURT OF COMMON PLEAS OF  
LYCOMING COUNTY, PA

TAYLOR A. DOEBLER, III	:	
Plaintiff	:	NO: 08-02288
	:	
vs.	:	
	:	
TUCKER ARENSBERG, P.C.	:	
Defendant	:	

**ORDER**

On August 20, 2010 this Court entered an Order granting the Defendant's Motion for Summary Judgment. On August 30, 2010 Plaintiff filed a Motion for Reconsideration of this Court's Order. Although numerous issues were raised in Plaintiff's Motion for Reconsideration, during argument held on November 1, 2010 Plaintiff's counsel limited his argument to one issue only – the issue of whether this Court erroneously concluded that there was no undertaking by the Defendant to advise the Plaintiff with respect to his sale of DPH stock. Plaintiff submits that in reaching its holding, this Court relied on portions of the Plaintiff's deposition testimony, but failed to consider testimony submitted to this Court by way of Affidavit.

Following a thorough review of the records, this Court notes that portions of the Plaintiff's Affidavit are inconsistent with previous sworn testimony. As it appears to this Court that the Plaintiff is attempting to raise a factual issue to prevent summary judgment, a practice not approved by the court in Stephens v. Paris Cleaners, Inc., 885 A.2d 59 (Pa.Super. 2005), this Court finds that the Affidavit is not

wholly credible and summary judgment warranted pursuant to the sworn deposition testimony of the Plaintiff. This Court has similarly reviewed the other arguments asserted in the Plaintiff's Motion for Reconsideration and finds them to be without merit. Accordingly, Plaintiff's Motion for Reconsideration is DENIED.

BY THE COURT,

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Gray, J.

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