

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UK JEONG : CIVIL ACTION  
 :  
v. :  
 :  
JUSTIN SEO, AHN SEO, ANTHONY :  
PAEK, and YOUNG CHA CHONG : NO. 07-cv-03718-JF

MEMORANDUM

Fullam, Sr. J.

February 3, 2010

Plaintiff has filed a motion for summary judgment. The motion is accompanied by a certification by plaintiff's counsel to the effect that he served the motion by mail on one of the defendants, at the address listed in the complaint for that defendant. There is no suggestion that the motion was served on any of the other defendants. Moreover, the defendants earlier filed an answer to plaintiff's amended complaint, and specifically denied the allegation concerning their various residences. Thus, for present purposes, the motion for summary judgment has not been served on anyone.

More importantly, the basis for the motion for summary judgment is that, by failing to respond to plaintiff's requests for admissions, all of the defendants have admitted the pertinent facts. Unfortunately, there is no proof that the requests for admissions were ever served on anyone. The motion for summary

judgment will therefore be denied, without prejudice to renewal if the circumstances warrant.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.

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ORDER

AND NOW, this 3<sup>rd</sup> day of February 2010, upon  
consideration of plaintiff's motion for summary judgment, IT IS  
ORDERED:

That plaintiff's motion for summary judgment is DENIED,  
without prejudice to re-filing if appropriate.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.