

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

PAMILA SPORNY : CIVIL ACTION  
 :  
v. :  
 :  
BURLINGTON COAT FACTORY :  
WAREHOUSE OF PHILA., INC. :  
et al. : NO. 97-5550

MEMORANDUM AND ORDER

Fullam, Sr. J.

April , 1998

On March 9, 1998, I granted defendants' Motion to Quash a Subpoena which had been served by plaintiff on a non-party, Federal Realty Investment Trust. Plaintiff has filed a Motion for Reconsideration, on the theory that the motion to quash was granted before plaintiff's response to that motion was due.

The order in question was entered in the exercise of this Court's authority to supervise discovery, and to preclude discovery abuse. Plaintiff's claims in this action are against the defendant Burlington Coat Factory Warehouse of Philadelphia, Inc. and the various City of Philadelphia defendants. The defendant Burlington Coat Factory Warehouse Corporation is the parent of Burlington Coat Factory Warehouse of Philadelphia. Plaintiff is apparently seeking discovery in an attempt to establish that, because of the parent-subsidiary relationship, the parent corporation should be regarded as the "alter ego" of

the subsidiary. Actually, the precise discovery sought seems, for the most part, quite unlikely to shed any light upon the "alter ego" issue. More important, however, the need to pursue "alter ego" liability against the parent corporation may never arise: Plaintiff may lose her case against the subsidiary or, if she wins, may encounter no difficulty obtaining satisfaction of the judgment. There is simply no point in pursuing discovery on an issue which is unlikely to arise and which could readily be resolved without formal discovery in any event.

In order to obviate any possible prejudice to plaintiff, I will direct that all claims against the parent corporation will be severed, for disposition (if necessary) after the remainder of the case has been resolved.

An Order follows.

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ORDER

AND NOW, this day of April, 1988, IT IS ORDERED:

1. Plaintiff's Motion for Reconsideration of this Court's March 9, 1998 Order is DENIED.
2. Defendants' Motion for Sanctions is DENIED.
3. All claims of plaintiff against the defendant Burlington Coat Factory Warehouse Corporation (the parent corporation) are SEVERED, and will be addressed, if necessary, only after the remainder of the case has been resolved.

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John P. Fullam, Sr. J.