

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

MARY LOUISE KELLY WOLFINGTON           :           CIVIL ACTION  
and RICHARD I. WOLFINGTON            :           :  
  :           :  
  :           :  
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  :           :  
  :           :  
v.   :           :  
  :           :  
DELAWARE RIVER PORT AUTHORITY       :           :  
OF PENNSYLVANIA AND NEW JERSEY,     :           :  
OFFICER THEODORE LOEBELL and         :           :  
OFFICER KENNETH MANNY                 :           NO. 04-04655-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

May 1, 2006

The motion for summary judgment filed on behalf of the individual defendants, Loebell and Manny, will be denied for two reasons: (1) the motion was filed too late, since the response is not due until the date of trial; and, more important, (2) it is obvious that there are disputed issues of material fact, and summary disposition is not justified.

An Order follows.

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MARY LOUISE KELLY WOLFINGTON : CIVIL ACTION  
and RICHARD I. WOLFINGTON :  
:   
v. :   
:   
DELAWARE RIVER PORT AUTHORITY :   
OF PENNSYLVANIA AND NEW JERSEY, :   
OFFICER THEODORE LOEBELL and :   
OFFICER KENNETH MANNY : NO. 04-04655-JF

ORDER

AND NOW, this 1<sup>st</sup> day of May 2006, upon consideration  
of the motion for partial summary judgment filed on behalf of the  
defendants Loebell and Manny, IT IS ORDERED:

That the motion is DENIED.

BY THE COURT:

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