

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

MAURY L. ROSENBERG : CIVIL ACTION
: :
v. : :
: :
BENTLEY MOTORS LIMITED, *et al.* : NO. 04-2679
:

MEMORANDUM AND ORDER

Fullam, Sr. J.

May 15, 2006

Plaintiff sued several individuals and entities involved in the sale and financing of an allegedly defective used Bentley automobile. Two Defendants filed motions for summary judgment that were held in abeyance first while the parties pursued settlement and then after the withdrawal of Plaintiff's counsel to provide an opportunity for Plaintiff to secure new counsel. After three months, no counsel has entered an appearance for Plaintiff.

Defendant Bentley Motors, Inc. filed a motion to enforce a settlement agreement between it and Plaintiff. There is no question that counsel for the parties agreed on a settlement. Plaintiff, however, disputes that his then-attorney had the authority to settle the case. The matter is governed by Pennsylvania law, under which "an attorney may only bind his client to the terms of a settlement based on express authority." Reutzell v. Douglas, 870 A.2d 787, 793 (Pa. 2005). Whether such express authority was granted is unclear, and I will schedule a

hearing to determine that issue and also to determine whether Plaintiff is obliged to pay the attorneys' fees that Bentley Motors has incurred in connection with the motion.

Defendant Bentley Financial Services filed a motion for summary judgment and a response was filed by Plaintiff's former attorney. Defendant Bentley Motors, Inc. also filed a motion for summary judgment, to which no response was filed because counsel for Plaintiff withdrew his appearance. I have reviewed both motions and have determined that disputed factual disputes surrounding the issue of the warranty Plaintiff claims to have been promised preclude summary judgment.

An Order follows.

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AND NOW, this 15th day of May, for the reasons stated in the accompanying memorandum,

IT IS hereby ORDERED that:

1. A HEARING on the Motion of Defendant Bentley Motors, Inc. to Enforce Settlement Agreement will be held on **May 25, 2006 at 1:30 p.m.** in Courtroom 15-A, United States Courthouse, 601 Market Street, Philadelphia, PA.
2. The Motion of Defendant Bentley Motors, Inc. for Leave to File a Reply Brief is GRANTED. The Reply Brief attached to the Motion is DEEMED FILED.
3. The Motion of Defendant Bentley Motors, Inc. for summary judgment is DENIED.
4. The Motion of Defendant Bentley Financial Services for summary judgment is DENIED.

BY THE COURT:

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