

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

CRADLE OF LIBERTY COUNCIL, INC.,	:	CIVIL ACTION
BOY SCOUTS OF AMERICA,	:	
Plaintiff,	:	
	:	NO. 08-2429
v.	:	
	:	
CITY OF PHILADELPIHA,	:	
Defendant.	:	

MEMORANDUM

BUCKWALTER, S. J.

April 22, 2010

To say that there are disputed material facts revealed by an examination of the summary judgment motions and supporting memoranda submitted by the parties is perhaps an understatement.

For example, of the 79 Statement of Undisputed Facts filed by plaintiff, the defendant disputes at least 23 of them. A fair number of these objections are simply “disputed as stated”, but there are at least 17 disputed objections that are material in my judgment either as to the facts themselves or the reasonable inference that might be drawn from a fact or set of facts.

This dispute obviously forecloses the granting of summary judgment as to both sides.

While a more expansive opinion is sometimes helpful even when summary judgments are denied, my review of the briefs satisfy me that both parties are for the most part in

agreement as to the legal framework of this case established by the court's opinion of September 18, 2009.

Accordingly, an appropriate order follows.

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BOY SCOUTS OF AMERICA,	:	
Plaintiff,	:	
	:	NO. 08-2429
v.	:	
	:	
CITY OF PHILADELPHIA,	:	
Defendant.	:	

ORDER

AND NOW, this 22nd day of April, 2010, it is hereby **ORDERED** that:

1. Defendant's motion for summary judgment (Docket No. 59) is **DENIED** in its entirety.
2. Plaintiff's motion for summary judgment (Docket No. 49) is **DENIED** in its entirety.
3. Plaintiff's motion to strike certain exhibits (Docket No. 63) is **DENIED** without prejudice to requesting additional discovery relative to them.

A **STATUS CONFERENCE** is scheduled for Wednesday, May 5, 2010 at 10:00 a.m. in the chambers of the undersigned for the primary purpose of establishing a firm trial date and discussing other issues related to the trial.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.