

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

HUNG VAN BUI, : CIVIL ACTION  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 THE CHILDREN'S HOSPITAL :  
 OF PHILADELPHIA and :  
 JONATHAN POST, : NO. 97-5571  
 :  
 Defendants. :

**MEMORANDUM**

R.F. KELLY, J.

MARCH 5, 1998

Presently before the court is Defendant's "Motion to Dismiss for Plaintiff's Failure to File Security for Costs."

In opposition to this motion, in the very last paragraph, Plaintiff makes passing reference to the requiring of costs being "... not appropriate with an indigent Plaintiff."

Plaintiff never raised alleged indigence in his response to the Defendant's original motion to post security for costs. In response to that motion, Plaintiff attempted to distinguish one of the cases cited by Defendant by stating, "Additionally, it is important to note that the plaintiff in Gag was in voluntary liquidation, showing that it could not be able to reimburse defendant if the suit failed." Plaintiff obviously was asserting, at that time, that security was not needed in this case because plaintiff was in a position to pay any future award of cost.

The unsupported reference to Plaintiff's alleged indigence is not sufficient to support such a claim. I therefore enter the following ORDER.

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O R D E R

AND NOW, this 5th day of March, 1998, upon consideration of Defendant The Children's Hospital of Philadelphia's Motion to Dismiss For Plaintiff's Failure to Fire Security For Costs, the Memorandum of Law in support thereof, and any response thereto, it is hereby ORDERED and DECREED that Defendant's Motion is GRANTED and Plaintiff's Complaint is dismissed WITH PREJUDICE.

BY THE COURT:

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Robert F. Kelly, J.