

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CHARLES J. GNARRA, Administratrix of
the Estate of IRENE GNARRA, Deceased

Plaintiffs,

v.

ALLIED GLOVE CORPORATION, et al.,

Defendants.

) CIVIL DIVISION – ASBESTOS

)

) G.D. 03-17448

)

) Code: 012

)

) **MOTION TO VACATE ORDER**

)

) **GRANTING DEFENDANT SAFETY**

)

) **FIRST INDUSTRIES’ MOTION FOR**

)

) **SUMMARY JUDGMENT**

)

) Filed on behalf of Plaintiff:

)

) CHARLES GNARRA

)

) Counsel of Record for this Party:

)

) Cori J. Kapusta, Esquire

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) PA I.D. No. 91958

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) Firm # 744

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) JURY TRIAL DEMANDED

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION – ASBESTOS

CHARLES J. GNARRA, Administratrix of)
the Estate of IRENE GNARRA, Deceased)
)
Plaintiffs,)
)
v.) G.D. 03-17448
)
ALLIED GLOVE CORPORATION, et al.,)
)
Defendants.)
)

MOTION TO VACATE ORDER GRANTING DEFENDANT SAFETY FIRST INDUSTRIES' MOTION FOR SUMMARY JUDGMENT

AND NOW come the Plaintiff Charles Gnarra, by and through his counsel, Goldberg, Persky & White, P.C., and files the following Motion To Vacate Order Granting Defendant Safety First Industries' Motion For Summary Judgment, Or In The Alternative Motion For Reconsideration Of Defendant Safety First Industires' Motion For Summary Judgment, and in support thereof aver the following:

1. The above -captioned case was scheduled for trial on November 10, 2004.
2. Defendant, Safety First Industries, filled their Motion for Summary Judgment, on or about July 30, 2004, based on its claim that Plaintiffs failed to produce sufficient evidence of exposure to Defendant's asbestos-containing products.

G.D. 03-17448

3. Plaintiff filed a timely response relying on the affidavit and/or deposition testimony of Charles J. Gnarra Jr., Frank Waryck, William George, and Dwight Parsons to establish the decedent, Irene Gnarra, exposure to Safety First Industries' asbestos-containing products.

4. On October 14, 2004 this Honorable Court heard oral arguments concerning Defendant's motion and Plaintiff's response.

5. This Honorable Court ruled from the bench that the Defendant's Motion for Summary Judgment was denied.

6. An electronic message sent by the Court's asbestos clerk on October 21, 2004, confirms that this Court denied Defendant's Motion for Summary Judgment. **(See Exhibit "A", page 5, attached herewith).**

7. Plaintiff mailed settlement demand letters to Defendant, Safety First Industries, in the above-captioned case on or about October 26, 2004.

8. Subsequently, Defendant's served Plaintiff with the October 14, 2004 Order which erroneously indicates that the Defendant's Motion for Summary Judgment was granted. **(See Exhibit B, attached herewith)**

9. It is only because of this obvious clerical error that the Defendant, Safety First Industries, has been dismissed from the above-captioned case.

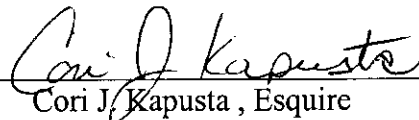
10. Justice requires that the clerical error be corrected by vacating the October 14, 2004 Order and entering an Order correctly establishing that the Defendant Safety First Industries' Motion for Summary Judgment be denied.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter an Order vacating its October 14, 2004 Order, denying Defendants Motion for Summary Judgment in its entirety.

Respectfully submitted,

GOLDBERG, PERSKY & WHITE, P.C.

By:



Cori J. Kapusta, Esquire
Carrie L. Furlan, Esquire
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA

IRENE GNARRA, an individual,)
)
 Plaintiff,)
)
 vs.)
)
 SAFETY FIRST INDUSTRIES, INC., et al.,) No. GD03-017448
)
 Defendants.)
)
)
)
)
)

ORDER OF COURT

AND NOW, this 14 day of Oct, 2004, upon consideration of the Motion for Summary Judgment of Defendant Safety First Industries based upon plaintiff's lack of exposure to its products, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion for Summary Judgment of Safety First Industries, Inc. is granted as to plaintiff's complaint and any cross claims, with prejudice.

BY THE COURT

 J.

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