

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ROBERT WILLIAM GREEN, A MINOR,	:	
BY HIS PARENT AND GUARDIAN,	:	
DEBORAH LABELLE,	:	
Plaintiff	:	
v.	:	No. 08-3372
GAME TIME, INC., A DIVISION OF	:	
PLAYCORE WISCONSIN, INC. AND	:	
STEPHEN CHRISTMAN,	:	
Defendants	:	
v.	:	
BOROUGH OF LEHIGHTON,	:	
Additional Defendant	:	

Daniel J. Mann, Esquire	Counsel for Plaintiff
Francis S. Blatcher, Esquire	Counsel for Defendant Game Time, Inc. a Division of Playcore Wisconsin, Inc.
William P. Barrett, Esquire	Counsel for Defendant Stephen Christman
Richard B. Wickersham, Jr., Esquire	Counsel for Defendant Borough of Leighton

ORDER OF COURT

AND NOW, this 31st day of May, 2012, upon consideration of the Motion for Summary Judgment of the Defendant, Stephen Christman, the responses filed thereto, review of the parties' briefs, and after argument thereon, it is hereby

ORDERED and DECREED that the Defendant Stephen Christman's Motion for Summary Judgment is denied.<sup>1</sup>

BY THE COURT:

\_\_\_\_\_  
P.J.

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<sup>1</sup> Defendant appears to argue that based upon incontrovertible physical facts, his conduct could not be the cause of Plaintiff's injuries. Contrary to Plaintiff's belief, disputes concerning various material facts preclude the granting of summary judgment. These include not only where and how Plaintiff was positioned on the merry-go-round at the time he fell, but also whether Christman was spinning the merry-go-round too fast for Plaintiff's safety under the circumstances, regardless of whether a design, manufacturing or maintenance existed, and whether Christman's conduct was the cause of Plaintiff's fall. Further, the divergent facts presented by various witnesses and the disputed expert reports raise questions of credibility to be decided by the jury.

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Richard B. Wickersham, Jr., Esquire	Counsel for Defendant Borough of Lehigh

ORDER OF COURT

AND NOW, this 31st day of May, 2012, upon consideration of the Motion for Summary Judgment of the Additional Defendant, Borough of Lehigh, the parties' responses thereto, review of the parties' briefs, and after argument thereon, and in accordance with our Memorandum Opinion of this same date, it is hereby

ORDERED and DECREED that the Additional Defendant's Motion for Summary Judgment is denied.

BY THE COURT:

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P.J.