

# SUMMARY JUDGMENT

*Pennsylvania - Fowler Hirtzel McNulty & Spaulding, LLC*

Plaintiff alleged she was involved in a motor vehicle accident on May 2, 2018. Plaintiff filed suit on April 30, 2020 naming the owner of the other vehicle involved in the accident and a John Doe defendant. FHMS's client leased the vehicle allegedly involved in the accident from the owner and it was driven by one of our client's employees on the date of the accident. The owner of the vehicle filed an MSJ, which was granted by the Court, leaving only the John Doe. Plaintiff's counsel attempted to name our client's driver as the John Doe defendant after the statute of limitations had expired. In turn, FHMS filed objections to the Complaint based on the statute of limitations. In response, Plaintiff habitually filed amended complaints, until finally the objections to the 10 amended complaint were overruled by the Court. Despite the dilatory

pleading process, Plaintiff failed to conduct meaningful discovery to prove her case.

At the close of discovery, FHMS filed a motion for summary judgment arguing the following: Plaintiff's did not join our client's driver within the statute of limitations, Plaintiff did not establish a prima facie case of negligence, Plaintiff was not entitled to noneconomic damages as Plaintiff elected limited tort coverage and did not suffer a serious injury, and Plaintiff failed to establish that her medical bills were recoverable. The Court granted the MSJ in its entirety and the appeal period has expired.

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