

SCHINDLER ELEVATOR,
CORPORATION
Plaintiff,
v.
LACKAWANNA COUNTY,
Defendant.

: IN THE COURT OF COMMON PLEAS
: OF LACKAWANNA COUNTY
: CIVIL DIVISION

:
: 12-2325
: 12-CV-2325

ORDER

AND NOW, this 30th day of June 2015, upon consideration of the Plaintiff's Motion for Summary Judgment, Brief in Support Thereof, Defendant's response, as well as Defendant's Motion for Summary Judgment, Brief in Support Thereof and oral argument held on the matter, this Court determines that Defendant is entitled to Summary Judgment as a matter of law and it is hereby **ORDERED** and **DECREED** that Defendant's Motion is **GRANTED**. Plaintiff's Amended Complaint is **DISMISSED with prejudice**. See 16 P.S. §§ 504(b), 1801(a);

Patterson v. County of Delaware, 171 A.2d 47, 48 (Pa. 1961); **Davis, Murphy, Neimiec and Smith v. McNett**, 665 A.2d 1322, 1326 (Pa. Cmwlth 1995)(strict compliance with Section 1801 is mandatory, there can be no implied authority granted to make a contract for the county even if the county's actions coincide with the terms of an oral agreement, absent written evidence thereof, such actions cannot be deemed to ratify and make enforceable the contract, furthermore, an oral contract with a county, even if made by all the commissioners is unenforceable); **Lehigh Valley Hospital v. County of Montgomery**, 768 A.2d 1197, 1200 (Pa. Cmwlth 2001); **Allan A. Myers, LP v. Montgomery County**, 92 A.3d 102, 111 (Pa. Cmwlth 2014).

BY THE COURT:


_____, S. J.
JOHN L. BRAXTON

CC: Please note that written notice of the foregoing Order has been provided to each party pursuant to Pa.R.Civ.P. 236 (a)(2) by mailing time-stamped copies to:

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