

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

DISABLED IN ACTION OF	:	
PENNSYLVANIA,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 03-1577
	:	
	:	
SOUTHEASTERN PENNSYLVANIA	:	
TRANSPORTATION AUTHORITY,	:	
Defendant.	:	

ORDER

Presently before the Court is Plaintiff’s Motion for Relief from the Court’s May 14, 2003 Order granting Defendant’s Motion to Dismiss Plaintiff’s Complaint. The Court granted Defendant’s motion pursuant to Local Rule of Civil Procedure 7.1(c) after Plaintiff failed to respond. Plaintiff now moves to vacate the Court’s May 14, 2003 Order pursuant to Fed. R. Civ. P. 60 on the grounds that it never received Defendant’s Motion to Dismiss. Despite the Certificate of Service which was attached to Defendant’s motion, Plaintiff alleges that it was never served with the motion and, therefore, could not have responded.

The Certificate of Service attached to Plaintiff’s motion indicates that Defendant was served with the motion on May 16, 2003. To date, Defendant has not filed a response. Therefore, the Court will grant Plaintiff’s motion as uncontested pursuant to Local Rule of Civil Procedure 7.1(c).

AND NOW, this ____ day of June, 2003, upon consideration of Plaintiff’s uncontested Motion for Relief from the Court’s May 14, 2003 Order granting Defendant’s Motion to Dismiss Plaintiff’s Complaint, **IT IS HEREBY ORDERED** that Plaintiff’s motion is **GRANTED. IT**

IS FURTHER ORDERED that the Court's May 14, 2003 Order granting Defendant's Motion to Dismiss Plaintiff's Complaint is **VACATED**.

BY THE COURT:

CLIFFORD SCOTT GREEN, S.J.