

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DIANA M. BUELL,

Plaintiff,

v.

WASHINGTON HOSPITAL CENTER
CORPORATION, et al.

Defendants.

Civil Action No. 08-0680 (RBW)

ORDER

The parties appeared before the Court on February 26, 2010, for a motion hearing on Defendant Ameripark, Inc.'s Motion to Strike Affidavit of Wanda Mitchell, which the plaintiff and defendant Mitchell opposed. See Plaintiff's Opposition to Defendant Ameripark, Inc.'s Motions to Strike Autopsy Photographs and Affidavit of Defendant Wanda Mitchell; Opposition of Defendant Wanda D. Mitchell to Motion of Defendant Ameripark, Inc. to Strike Affidavit.¹ The parties also appeared before the Court on March 24, 2010, for a hearing on Defendant Washington Hospital Center Corporation's Motion for Summary Judgment and Defendant Ameripark, Inc.'s Motion for Summary Judgment, which the plaintiff and defendant Mitchell opposed. See Plaintiff's Opposition to Defendants Ameripark, Inc. and Washington Hospital Center Corporation's Motions for Summary Judgment; Opposition of Defendant Mitchell to

¹ The Court also considered the Reply of Defendant Ameripark, Inc. to the Oppositions to the Motions to Strike the Autopsy Photographs and Affidavit of Defendant Wanda Mitchell in ruling on this motion.

Motions for Summary Judgment.² Upon consideration of the parties' oral representations and their written filings, and for the reasons expressed orally by the Court from the bench during the two motion hearings, it is hereby

ORDERED that Defendant Ameripark, Inc.'s Motion to Strike Affidavit of Wanda Mitchell is **DENIED**. It is further

ORDERED that Defendant Washington Hospital Center Corporation's Motion for Summary Judgment and Defendant Ameripark, Inc.'s Motion for Summary Judgment are **DENIED** based on the Court's finding that when the evidence is viewed in the light most favorable to the non-moving parties, there are material questions of fact as to the adequacy of the pedestrian signage and markings at the site of the accident that preclude summary judgment. It is further

ORDERED that based on the parties' representations that they are willing to participate in settlement negotiations that could resolve this case short of trial, this case shall be referred to a Magistrate Judge for settlement negotiations. It is further

ORDERED that the parties shall appear before this Court for a status conference at the conclusion of the settlement negotiations on June 7, 2009, at 9 a.m. in Courtroom 16 of the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C. 20001. If the case has not settled by this date, the Court will schedule a pretrial hearing date at that time.

² The Court also considered the following documents in ruling on this motion: Reply of Defendant Washington Hospital Center Corporation to Oppositions to Motions for Summary Judgment; and Reply of Defendant Ameripark, Inc. to the Oppositions to Motion for Summary Judgment.

SO ORDERED this 25th day of March, 2010.

_____/s/_____
REGGIE B. WALTON
United States District Judge