



(Louis Drew) filing of a voluntary petition for bankruptcy with the United States Bankruptcy Court, E.D. Pa., No. 01-13820. A review of the federal docket reflects that the defendant's petition was filed on June 4, 2001. The docket also reflects that the matter was dismissed and the case closed on August 21, 2001.

At the time that this court's findings were issued, neither this court nor the plaintiff knew of the bankruptcy proceeding. Further, during the period in which plaintiff should have filed his post-trial motion, he filed a notice of appeal instead. Plaintiff cannot now claim that he was precluded from acting when he did in fact act at that time. Hence, his petition to file his motion *nunc pro tunc* was properly denied.

For all of the above reasons, judgment as entered on June 29, 2001, in favor of the defendants should be affirmed.

By the Court:

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Myrna Field, J.