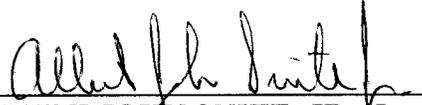


BY THE COURT:


ALBERT JOHN SNITE, JR., J.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION—CIVIL**

EL—MUCTAR SHERIF and SAMI SEI GANDY,	:	February Term, 2012
derivatively, on behalf of	:	
AFRICAN ISLAMIC COMMUNITY CENTER	:	Case No. 02131
	:	
<i>Plaintiffs</i>	:	
	:	
v.	:	
	:	
AMERICAN LAND TRANSFER, INC.,	:	Commerce Program
STEWART TITLE GUARANTY COMPANY,	:	
JOHN F. HARTZEL, ESQUIRE,	:	
MOHAMED JOMANDY and	:	
SOUTHWEST COMMUNITY CENTER, INC.	:	
	:	Control No. 14013676
<i>Defendants</i>	:	

MEMORANDUM OPINION

Plaintiff African Islamic Community Center (“AICC”), commenced this action on February 17, 2012. AICC’s amended complaint avers that defendants American Land Transfer, Inc. and Stewart Title Guaranty Company (“ALT” and “STGC”), respectively title company and title insurer to a real estate transaction, had constructive and actual knowledge of an alleged fraud perpetrated against AICC. In essence, the amended complaint alleges that various defendants, including ALT and STGC, conspired to fraudulently transfer title ownership of a building (the “Mosque”) from AICC to South West Community Center (“SWCC”), an entity entirely under the control of an individual, “Jomandy,” who is also president of AICC. Specifically, the amended complaint avers that on the same day in which AICC acquired the Mosque, Jomandy transferred title

thereof to SWCC for nominal consideration \$1.00.¹ The title work involved in the alleged fraudulent transaction was performed by ALT which had been hired by a non-party to this action, “Takiedine,” lender to AICC. As a result of the alleged fraudulent transaction, AICC was left with the burden of a mortgage owed to lender Takiedine, without the benefit of retaining title to the Mosque. According to AICC’s amended complaint, ALT and STGC played an important part in the fraudulent conveyance of the Mosque from AICC to SWCC. In addition, the amended complaint alleges the claim of negligence and gross negligence solely against ALT for its failure to disclose the aforementioned fraud to AICC.

AICC, ALT and STGC timely filed motions for summary judgment, and on December 27, 2013, this court issued an Order granting the motion for summary judgment of ALT and STGC, and denying the motion for summary judgment of AICC . The Memorandum Opinion accompanying the Order explained that AICC had failed to produce any evidence of facts essential to its cause of action as to all claims asserted against ALT and STGC. For example, AICC failed to provide any evidence under the claim of conspiracy that ALT and STGC had combined with others for the purpose of doing an unlawful act, or for the purpose of doing a lawful act by unlawful means of for an unlawful purpose. In addition, AICC failed to offer evidence under the claim of fraud that ALT and STGC had made any false representations with the intent of misleading AICC. Finally, this court found that AICC could not maintain the claims of negligence and gross negligence against ALT because AICC had not offered any evidence showing that ALT owed a duty to AICC.² In short, AICC’s claims against ALT and STGC were

¹ Amended Complaint, ¶ 30.

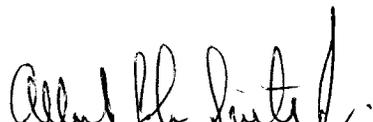
² Memorandum Opinion, issued December 27, 2013, pp.5–9.

dismissed because AICC failed to produce any evidence necessary to prove its claims.

The instant motion for reconsideration filed by AICC states that this court “essentially adopted defendants’ factual assertions and analysis without considering material, factual assertions made by [AICC] in its submissions to the court.”³ The motion further states that this court “ignored material evidence proffered by [AICC] and the inferences favorable to [AICC] from that evidence.”⁴

Upon receipt of AICC’s motion for reconsideration, this court re-examined the evidentiary record and found confirmation that summary judgment was properly granted in favor of ALT and STGC, and against AICC, because AICC had failed “to come forward with evidence essential to preserve [its] cause of action.”⁵ This court also examined AICC’s “Material Facts Overlooked by the Court” which AICC included in its motion for reconsideration, as well as AICC’s “Statement of Material Facts Not Addressed by Defendants, ALT and STGC ...,” which AICC had incorporated in its response in opposition to the motion for summary judgment of ALT and STGC. Again, this court finds that AICC has failed to provide any evidence essential to preserve its cause of action as to require this court to grant the motion for reconsideration. For these reasons, the motion for reconsideration is denied.

BY THE COURT,



ALBERT JOHN SNITE, JR., J.

³ Motion for reconsideration of AICC, ¶ 1.

⁴ *Id.* ¶ 3.

⁵ *Biernacki v. Presque Isle Condominiums Unit Owners Ass’n, Inc.*, 247; 828 A.2d 1114, 1115–1116 (Pa. Super. 2003).