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States Court of Appeals  
for the Third Circuit

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6-11-2021

## Life Celebration Inc v. Xerox Corp

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**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 20-2921

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LIFE CELEBRATION, INC.,

Appellant

v.

XEROX CORPORATION

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Appeal from the United States District Court  
For the Eastern District of Pennsylvania  
(District Court No. 2:18-CV-02941)  
District Judge: Hon. Gene E.K. Pratter

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Argued May 20, 2021

Before: McKee, Restrepo, Fuentes, *Circuit Judges.*

(Opinion filed: June 11, 2021)

Joseph R. Podraza, Jr.      [ARGUED]  
William H. Trask  
Lamb McErlane  
One South Broad Street, Suite 1500  
Philadelphia, PA 19107  
*Counsel for Appellant*

Benjamin D. Hartwell  
Ward Greenberg Heller & Reidy  
1835 Market Street, Suite 650  
Philadelphia, PA 19103

Tony R. Sears [ARGUED]  
Ward Greenberg Heller & Reidy  
1800 Bausch & Lomb Place  
Legacy Tower  
Rochester, NY 14604  
*Counsel for Appellee*

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OPINION\*

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McKee, *Circuit Judge*.

Life Celebration appeals the dismissal of its claim that Xerox breached its duty as a landlord by failing to inspect and maintain the HVAC system and other environmental controls in the space Life Celebration subleased from Xerox. The district court held that Life Celebration did not present evidence that Xerox owed the prerequisite duty and granted summary judgment. We agree and will affirm.

In a thorough and well-reasoned Memorandum Opinion, the district court explained why it granted summary judgment.<sup>1</sup> The court carefully considered and rejected Life Celebration's argument that Xerox owed the asserted duty. Life Celebration failed to provide evidence from the Managed Service Agreement between it and Xerox or present arguments based on relevant principles of property law that this duty indeed existed. We can add little to elaborate on the district court's analysis and discussion.

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

<sup>1</sup> *Life Celebration, Inc. v. Xerox Corp.*, No. 18-2941, 2020 WL 5096945 (E.D Pa Aug. 28, 2020).

Accordingly, we will affirm the district court substantially for the reasons set forth in its August 28, 2020 Memorandum and Order.