

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-2912

DONNA IANNONE,
an individual

v.

J.C. PENNEY COMPANY;
J.C. PENNEY CORPORATION,
t/d/b/a J.C. PENNEY;
FURNITURE BRANDS INTERNATIONAL, INC.;
LANE FURNITURE INDUSTRIES, INC.;
ACTION INDUSTRIES, INC.

Donna Iannone,
Appellant

Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil No. 05-cv-00710)
District Judge: Honorable Gary L. Lancaster

Submitted Under Third Circuit LAR 34.1(a)
June 30, 2008

Before: RENDELL, SMITH and FISHER, Circuit Judges.

Filed: July 18, 2008

OPINION OF THE COURT

RENDELL, *Circuit Judge*.

Plaintiff, Donna Iannone, appeals the District Court's orders adopting the Report and Recommendation of the Magistrate Judge and entering final judgment in favor of the defendants, J.C. Penney Company, Inc., J.C. Penney Corporation, Inc. t/d/b/a J.C. Penney, (together "J.C. Penney"), Furniture Brands International, Inc., Lane Furniture Industries, Inc., and Action Industries, Inc. In her complaint, Iannone alleged that the defendants were liable for injuries she received from a defective reclining chair that was purchased from J.C. Penney and engineered by Lane Furniture, Inc. and/or Action Industries, Inc., wholly owned subsidiaries of Furniture Brands International, Inc. At the close of discovery, the defendants moved for summary judgment. The Magistrate Judge subsequently issued a Report and Recommendation recommending that defendants' summary judgment motion be granted because the expert testimony offered by Iannone as to causation was not stated with the degree of certainty required under Pennsylvania law to create a genuine issue of material fact for trial. Iannone filed objections to the Report and Recommendation, but the District Court ultimately adopted it and entered final judgment in favor of defendants and against Iannone.

Having reviewed the record, we find the Magistrate Judge's Report and Recommendation well-reasoned and do not find any ground for disturbing or varying from its analysis. Accordingly, we will affirm the order of the District Court for the reasons set forth in the Magistrate Judge's thorough Report and Recommendation.