



requires a local agency to indemnify an employee for any judgment entered against the employee arising out of acts that are within the scope of that employee's duties. Id. § 8548(a). Under the Act, the employee may seek indemnification from the local agency when "it is judicially determined that an act of the employee caused the injury and such act was, or that the employee in good faith reasonably believed that such act was, within the scope of his office or duties." Id. Thus, the Act does not afford the Sigafoses immunity from suit even if they are employees of Berks County. It simply allows them to recover against Berks County if liable as employees in the underlying action.

The Sigafoses rely on Patterson v. Lycoming County, 815 A.2d 659 (Pa. Commw. Ct. 2002). In that case, liability had already been established against foster parents for the wrongful death of a child who had been placed in their care by the county, and the foster parents were seeking indemnification from the county under the Political Subdivision Tort Claims Act. Here, however, liability has not yet been established. Regardless of whether the Sigafoses are "employees" of Berks County for the purposes of seeking indemnification under the Political Subdivision Tort Claims Act, we find that it is premature to release them from the case when liability has not yet been determined.

The Sigafoses argue in the alternative that summary judgment is appropriate because plaintiff's claims against them are legally insufficient. See Fed. R. Civ. P. 56(c). We find

that genuine issues of material fact exist regarding plaintiff's claims against the Sigafoses. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). Accordingly, we are denying the motion of the Sigafoses for summary judgment.

