

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

MARJORIE T. STURKEY,	:	No. 123 E.D. Alloc. Dkt. 1998
	:	
Cross-Petitioner	:	
	:	Petition for Allowance of Appeal from the
	:	Superior Court
v.	:	
	:	Cross-Petition for Allowance of Appeal
	:	
DAVID W. SWINGLE. M.D., DIVISION OF	:	Motion for Leave to Amend Petition for
NEUROLOGICAL SURGERY HOSPITAL	:	Allowance of Appeal
OF THE MEDICAL COLLEGE OF	:	
PENNSYLVANIA AND DELAWARE	:	Petition to Reactivate Plaintiff's/Cross-
VALLEY NEUROLOGICAL SURGERY	:	Petitioner's Petition for Allowance of
ASSOCIATES HOSPITAL OF THE	:	Appeal from the Superior Court
MEDICAL COLLEGE OF	:	
PENNSYLVANIA AND HOSPITAL OF	:	Motion for Leave to file a Sur Reply to
THE MEDICAL COLLEGE OF	:	Motion to Amend Petition for Allowance of
PENNSYLVANIA, and DANIEL MUCCIO,	:	Appeal
M.D.	:	
	:	
Petitioners	:	

ORDER

PER CURIAM:

AND NOW, this 15TH day of **October, 1999**, the Petition to Reactivate the Petition for Allowance of Appeal is GRANTED; the Petition for Allowance of Appeal, the Motion for Leave to Amend the Petition for Allowance of Appeal, and the Motion for Leave to File a Sur Reply to Motion to Amend Petition for Allowance of Appeal are DENIED. The Cross Petition for Allowance of Appeal is GRANTED in part and the order of the Superior Court affirming the trial court's dismissal of Cross-Petitioner's claim for battery is reversed. Since the issue of supervision is being remanded and may be dispositive of Cross-Petitioner's

battery claim, it is further ordered that Cross-Petitioner's claim for battery is remanded to the Court of Common Pleas of Philadelphia County to be considered during Cross-Petitioner's new trial as awarded by the Superior Court. Hutchinson v. Sunbeam Coal Corp., 513 Pa. 192, 201, 519 A.2d 385, 390 (1986)