[J-7-2010] IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

JEANELLE ANTIONETTE TONEY,

No. 60 MAP 2009

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CHESTER COUNTY HOSPITAL, THE
CHESTER COUNTY HOSPITAL
FOUNDATION, INC. MAHEEP GOYAL,
M.D., EAST MARSHALL STREET
RADIOLOGY, THE UNIVERSITY OF
PENNSYLVANIA D/B/A THE
UNIVERSITY OF PENNSYLVANIA
HEALTH SYSTEM A/K/A THE CLINICAL:
PRACTICES OF THE UNIVERSITY OF
PENSYLVANIA A/K/A HOSPITAL OF
THE UNIVERSITY OF PENNSYLVANIA,
AND THE TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA

APPEAL OF: CHESTER COUNTY HOSPITAL AND CHESTER COUNTY HOSPITAL FOUNDATION, INC.,

JEANELLE ANTIONETTE TONEY

٧.

CHESTER COUNTY HOSPITAL, THE
CHESTER COUNTY HOSPITAL
FOUNDATION, INC. MAHEEP GOYAL,
M.D., EAST MARSHALL STREET
RADIOLOGY, THE UNIVERSITY OF
PENNSYLVANIA D/B/A THE
UNIVERSITY OF PENNSYLVANIA
HEALTH SYSTEM A/K/A THE CLINICAL
PRACTICES OF THE UNIVERSITY OF
PENSYLVANIA A/K/A HOSPITAL OF
THE UNIVERSITY OF PENNSYLVANIA,
AND THE TRUSTEES OF THE

Appeal from the Order of the Superior
Court at No. 1191 EDA 2007 striking the
application for reargument dated 12/2/08
of the order dated 11/12/08 reversed in
part/affirmed in part and remanding the
order of Chester County order at No. 0505122 dated 4/19/07

961 A.2d 192 (Pa. Super. 2008)

ARGUED: March 10, 2010

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UNIVERSITY OF PENNSYLVANIA

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APPEAL OF: MAHEEP GOYAL, M.D.,
THE UNIVERSITY OF PENNSYLVANIA
D/B/A THE UNIVERSITY OF
PENNSYLVANIA HEALTH SYSTEM
A/K/A THE CLINICAL PRACTICES OF
THE UNIVERSITY OF PENNSYLVANIA
A/K/A HOSPITAL OF THE UNIVERSITY
OF PENNSYLVANIA, AND THE
TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA

OPINION IN SUPPORT OF REVERSAL

DECIDED: December 22, 2011

MR. CHIEF JUSTICE CASTILLE

I join Mr. Justice Saylor's Opinion in Support of Reversal, save for the first paragraph of the expression, which adverts to Justice Saylor's Dissenting Opinion in Freed v. Geisinger Med. Ctr., 5 A.3d 212, 228 (Pa. 2010). See Opinion in Support of Reversal Slip Op., Saylor, J., at 1. I wrote separately in Freed and there, as elsewhere, I have expressed a view concerning procedural matters in these cases which is not entirely aligned with the views of my erudite colleague. On the substantive question presented in this case, however, where the Justices favoring affirmance would determine, as a matter of policy, to innovate new liabilities in tort for health care providers, I am entirely in accord with Justice Saylor's views.