

[J-56-98]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

MICHAEL S. HUTCHISON, JR., BY	:	56 W.D. Appeal Dkt. 1997
MARY J. HUTCHISON, PARENT AND	:	
NATURAL GUARDIAN,	:	Appeal from the Order of the Superior
	:	Court entered September 4, 1996 at No.
Appellants	:	1305 PGH 1994 vacating the Judgment of
	:	the Court of Common Pleas of Blair
	:	County, Civil Division, entered June 28,
v.	:	1994 at No. 1175CP1987
	:	
	:	
FATHER FRANCIS LUDDY, ST.	:	
THERESE'S CATHOLIC CHURCH,	:	
BISHOP JAMES HOGAN AND DIOCESE	:	
OF ALTOONA-JOHNSTOWN,	:	
	:	
Appellees	:	ARGUED: March 9, 1998

CONCURRING OPINION

MR. JUSTICE SAYLOR

DECIDED: NOVEMBER 24, 1999

I join in the result achieved by the majority insofar as it absolves the parish and affirms the jury's finding of liability against the Bishop and the Diocese under Restatement (Second) of Torts §317.

Since the matter is to be remanded to the Superior Court for consideration of all other issues raised by Appellant, specifically including the plaintiffs' entitlement to punitive damages, I am unable, at this procedural juncture, to join in the majority's characterizations of the defendants' conduct as reckless and abhorrent inasmuch as it will be for the Superior Court, in the first instance, to assess the award of punitive damages based on the facts presented to the jury.

Mr. Justice Zappala joins this concurring opinion.