

[J-65-2006]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

WILLIAM VALORA, JR., AS PARENT	:	No. 119 MAP 2005
AND NATURAL GUARDIAN OF	:	
BENJAMIN VALORA AND WILLIAM	:	
VALORA, JR., IN HIS OWN RIGHT,	:	Appeal from the Order of the Superior
	:	Court entered March 22, 2004, at No. 150
Appellees	:	MDA 2003, affirming the Order of the
	:	Court of Common Pleas of Dauphin
v.	:	County entered January 3, 2003, at No.
	:	5746 Equity 2000.
	:	
	:	847 A.2d 681 (Pa. Super. 2004)
PENNSYLVANIA EMPLOYEES BENEFIT	:	
TRUST FUND,	:	
	:	
Appellant	:	ARGUED: May 8, 2006

CONCURRING OPINION

MR. JUSTICE EAKIN

DECIDED: December 27, 2007

I concur with the majority that our case law indicates equitable principles are relevant in addressing a contractual subrogation claim. Majority Slip Op., at 13. Although the majority notes the limited nature of our grant of review and that it is not passing upon the Superior Court's determination, id., at 17 n.5, the majority reaches a discussion of the equities favoring appellant's waiver of subrogation. Id., at 15-17. As such an examination is outside our limited grant of review, I express no comment on the factors relevant to those equities.