

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

ESTATE OF JEFFREY H. WARE :  
by Barbara Boyer, individually, on behalf :  
of wrongful death beneficiaries and as :  
administratrix of the Estate of Jeffrey H. Ware, :

Plaintiff, :

v. :

No. 2:14-cv-00014

HOSPITAL OF THE UNIVERSITY OF :  
PENNSYLVANIA; :  
UNIVERSITY OF PENNSYLVANIA; :  
PERELMAN SCHOOL OF MEDICINE :  
UNIVERSITY OF PENNSYLVANIA; :  
TRUSTEES OF THE UNIVERSITY OF :  
PENNSYLVANIA; :  
ANN R. KENNEDY, D.S.C.; :  
GARY KAO, M.D.; :  
MICHELLE ALONSO-BASANTA, M.D.; :  
NATIONAL SPACE BIOMEDICAL :  
RESEARCH INSTITUTE; and :  
CENTER FOR ACUTE RADIATION :  
RESEARCH, :

Defendants. :

**J U D G M E N T**

And now, this 8<sup>th</sup> day of September, 2016, for the reasons set forth in the accompanying Memorandum Opinion issued this day, **IT IS ORDERED** as follows:

1. Plaintiff’s Motion to Withdraw Counts I and II and to Remand Counts III, IV, V, and VI to the Philadelphia Court of Common Pleas, ECF No. 78, is **DENIED**.
2. Defendants’ Motion for Summary Judgment on the Price-Anderson PLA and on All Federal Issues in Counts Three and Four, ECF No. 82, is **GRANTED**.
3. Defendants’ Motion for Summary Judgment as to Plaintiff’s Claims of Medical Negligence, Counts 3, 4 and 5, ECF No. 81, is **GRANTED**.

4. Defendants' Motion to Determine the Duty Owed to Dr. Ware in the Price-Anderson Public Liability Action, ECF No. 72, is **DENIED** as moot.
5. Defendants' Motion to Determine the Causation Test in a Price-Anderson PLA, ECF No. 80, is **DENIED** as moot.
6. Defendants' Joint Motion for Order Compelling Plaintiff to Produce Expert Reports or be Precluded and for Modification of Amended Scheduling Order, ECF No. 73, is **DENIED** as moot.
7. Defendants' Joint Motion for an Order Compelling Plaintiff to Produce Answers to Contention Interrogatories Served on September 28, 2015, David Ware and Jean Boyer for Depositions and Signed Verifications for Release of IRS and Social Security Records, ECF No. 74, is **DENIED** as moot.
8. Defendants' Proposed Findings of Fact and Conclusions of Law, ECF No. 85, is **STRICKEN**.
9. **JUDGMENT IS ENTERED** in favor of all Defendants and against the Plaintiff.
10. The Clerk of Court is directed to close this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge