

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| VALENTINE DELIBERTIS AND | : | |
| KATHLEEN DELIBERTIS | : | |
| v. | : | CIVIL ACTION |
| | : | |
| POTTSTOWN HOSPITAL COMPANY | : | |
| LLC, JONATHAN BUCKLEY, MD, | : | |
| MARTA JIMENEZ-DE LA CRUZ, MD, | : | |
| AND POTTSTOWN CLINIC COMPANY, | : | |
| LLC | : | NO. 14-6971 |

ORDER

AND NOW, this 21st day of January, 2016, upon consideration of the partial motion for summary judgment filed by Pottstown Hospital Company, LLC and Pottstown Clinic Company, LLC (docket entry #40), the partial motion for summary judgment filed by Dr. Jonathan Buckley (docket entry #39), Dr. Marta Jimenez-De La Cruz's motion for summary judgment (docket entry #38), and plaintiff's response in opposition thereto, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that:

1. Defendants Pottstown Hospital Company, LLC and Pottstown Clinic Company, LLC's motion is GRANTED IN PART and DENIED IN PART;
2. Defendants' motion to dismiss is GRANTED as to plaintiffs' "failure to stabilize" claim under EMTALA as alleged in Count II of the complaint;
3. Plaintiffs' EMTALA claim against defendants for "failure to stabilize" as detailed in Count II of the complaint is DISMISSED WITH PREJUDICE;
4. Defendants' motion to dismiss is DENIED as to plaintiffs' "failure to screen" claim under EMTALA as alleged in Count I of the complaint;
5. Defendant Dr. Jonathan Buckley's motion for summary judgment on plaintiffs' EMTALA claim is DENIED AS MOOT;

6. Defendant Dr. Marta Jimenez-De La Cruz's motion for summary judgment is GRANTED;
7. Plaintiffs' claim against Dr. Jimenez-De La Cruz is DISMISSED WITH PREJUDICE;
8. As there is no just reason for delay of the entry of judgment, pursuant to Fed. R. Civ. P. 54(b), defendant Dr. Jimenez-De La Cruz is DISMISSED from this case and the Clerk of Court shall MARK this defendant as TERMINATED;
9. In accordance with Local R. Civ. P. 72.1 and 28 U.S.C. § 636(b)(3), this case is REFERRED to the Honorable Jacob P. Hart to attempt to resolve the claims in this matter;
10. The parties shall COOPERATE in accordance with Judge Hart's instructions;
11. Further proceedings before this Court are STAYED pending the outcome of mediation with Judge Hart; and
12. The Clerk of Court shall RECAPTION this case to match the caption on this Order.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.