

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

RONALD JOSEPH BILINSKI,

Plaintiff,

v.

WILLS EYE HOSPITAL, et al.,

Defendants.

CIVIL ACTION  
NO. 16-02728

**PAPPERT, J.**

**OCTOBER 26, 2016**

**ORDER**

**AND NOW**, this 26th day of October, 2016, in consideration of three Motions to Dismiss—ECF Nos. 86, 87 and 92—filed on behalf of various Defendants,<sup>7</sup> it is hereby **ORDERED** that ECF No. 92 is **GRANTED** in full and ECF Nos. 86 and 87 are **GRANTED IN PART**.

ECF No. 86 is **GRANTED with respect to** all claims asserted under the United States Constitution, federal criminal statutes, the FD&C Act, the federal regulations regarding the “Protection of Human Subjects,” the False Claims Act, Title VII, the Clayton Act, EMTALA and the ADA and with respect to all Defendants **EXCEPT** Defendants Samuel K Houston, III and Retinovitreal Associates, Ltd.

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<sup>7</sup> ECF No. 86 is filed on behalf of Dr. Robert S. Bailey, Jr., Donna Gambino, Retinovitreal Associates, Ltd. (incorrectly named as Mid Atlantic Retina, Retino Viteous Assoc. Ltd. And Mid Atlantic Retina Practice), Rhonda Colclough (incorrectly named as Rhonda Ceretelle and Rhonda Colclough), John Duemell, Ed Weber, Kristen Winkelspheet (incorrectly named as Winkel Spect), Barbara Brown, Dr. David C. Reed, Dr. Sonia Mehta (incorrectly named as Dr. Sonja Mehta) and Dr. Samuel K. Houston, III.

ECF No. 87 is filed on behalf of Wills Eye Hospital, Wills Eye Institute, Wills Eye Ophthalmology Clinic, Inc., Joseph P. Bilson, Dr. Julia A. Haller, “Yla, Secretary to Dr. Julia A. Haller,” “Lisa, Secretary to Julia A. Haller,” Michael Allen, Licensed Legal Counsel for Wills Eye, Wills Eye Foundation and Sarah Rapuano.

ECF No. 92 is filed on behalf of Michael Anthony Dellavecchia.

ECF No. 87 is **GRANTED with respect to** all claims asserted under the United States Constitution, federal criminal statutes, the FD&C Act, the federal regulations regarding the “Protection of Human Subjects,” the False Claims Act, Title VII, the Clayton Act, EMTALA and the ADA and with respect to all Defendants **EXCEPT** Wills Eye Hospital, Wills Eye Institute, Wills Eye Ophthalmology Clinic, Inc. and the City of Philadelphia Trust.

Plaintiff Ronald Bilinski shall file Certificate(s) of Merit and the accompanying written statement(s) to support his medical malpractice claim(s) by or before November 28, 2016. If Bilinski fails to do so by or before November 28, his medical malpractice claims will be dismissed with prejudice.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.