

**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

ORDER

AND NOW, this 24th day of September 2019, upon consideration of Defendants' Motions to Dismiss, (ECF Nos. 139 and 140), Defendants' Motion for Summary Judgment, (ECF No. 141), and Plaintiff's Responses, (ECF Nos. 144, 145), it is hereby **ORDERED** that the Motions to Dismiss are **GRANTED IN PART** and **DENIED IN PART** and the Motion for Summary Judgment is **DENIED without prejudice**.

Specifically, the Court:

1. **DENIES** Wills Eye Hospital's Motion to Dismiss (ECF No. 140) Counts III, V and VI and **GRANTS** the Motion as to Bilinski's request for punitive damages against the Hospital;
2. **DENIES** Retinovitreal Associates' Motion to Dismiss (ECF No. 139) Count III and **GRANTS** the Motion as to (1) the portions of Counts V and VI seeking to hold Retinovitreal Associates vicariously liable for the medical-battery and lack-of-informed-consent claims against Houston, and (2) Bilinski's request for punitive damages against Retinovitreal Associates;

3. **DENIES** Dr. Houston's Motion to Dismiss (ECF No. 139) Count III and Bilinski's request for punitive damages against Dr. Houston;
4. **DENIES without prejudice** Dr. Houston and Retinovitreal Associates' Motion for Summary Judgment (ECF No. 141).

BY THE COURT:

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