

**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. 16-2728

ORDER

AND NOW, this 1st day of September 2021, upon consideration of Defendants Retinovitreal Associates, Limited doing business as Mid Atlantic Retina (MAR) and Dr. Samuel K. Houston III's Motion for Summary Judgment and associated exhibits (ECF 193), Bilinski's Response (ECF 203) and associated exhibits (ECF 204) and Defendants' Reply (ECF 207) and associated exhibits (ECF 208), and following oral argument with counsel for the parties (ECF 224), it is hereby **ORDERED** that:

1. The Motion is **DENIED** with respect to Count I of the Amended Complaint (ECF 173). Consistent with the accompanying Memorandum, Bilinski may seek recovery on this claim only for his alleged emotional injuries as counsel described them to the Court at oral argument.

2. The Motion is **GRANTED** and **JUDGMENT IS ENTERED** in favor of Houston and against Bilinski with respect to Count IV of the Amended Complaint.

3. The Motion is **GRANTED in part** and **JUDGMENT IS ENTERED in part** in favor of MAR and against Bilinski with respect to Counts V and VI of the Amended Complaint. Bilinski may proceed with those claims only as they relate to his medical battery claim and purported emotional injuries therefrom.

It is **FURTHER ORDERED** that Counts II and III of the Amended Complaint are **WITHDRAWN** consistent with Bilinski's counsel's representations at oral argument.

BY THE COURT:

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