

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

|   |   |                                   |
|---|---|-----------------------------------|
| <b>EDWARD RUEHL, individually and as</b>      | : |                                   |
| <b>Administrator of the Estate of Shirley</b> | : |                                   |
| <b>Ruehl, deceased,</b>                       | : | <b>No. 1:15-CV-168</b>            |
| <b>Plaintiff</b>                              | : |                                   |
|   | : | <b>(Judge Kane)</b>               |
| <b>v.</b>                                     | : |                                   |
|   | : | <b>(Magistrate Judge Carlson)</b> |
| <b>S.N.M. ENTERPRISES, INC.,</b>              | : |                                   |
| <b>Defendant</b>                              | : |                                   |

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Plaintiff Edward Ruehl initiated the above-captioned action asserting, in the operative Second Amended Complaint (Doc. No. 40), claims of wrongful death and survival arising out of the negligence of Defendant S.N.M. Enterprises, Inc. (“SNM”), the operator of a Hampton Inn in Gettysburg, Pennsylvania (“Gettysburg Hampton Inn”), in connection with Shirley Ruehl’s fall near the entrance to the Gettysburg Hampton Inn in August of 2013, and her subsequent death in January 2016. (Doc. No. 40.)

Now before the Court is the January 12, 2017 Report and Recommendation of Magistrate Judge Carlson (Doc. No. 51), addressing Defendant’s Motion for Partial Summary Judgment (Doc. No. 44), on Plaintiff’s wrongful death claim and Plaintiff’s claims for punitive damages. In the Report and Recommendation, Magistrate Judge Carlson recommends denying S.N.M.’s motion for partial summary judgment as to Plaintiff’s wrongful death claim, and granting the motion as to Plaintiff’s claims for punitive damages. (Doc. No. 51 at 2.) As to Plaintiff’s wrongful death claim, Magistrate Judge Carlson recommends that summary judgment be denied because the question of causation in this case presents an issue of fact for the jury to determine.

(Id.) As to Plaintiff's claims for punitive damages, Magistrate Judge Carlson recommends that S.N.M.'s motion be granted, as he finds insufficient evidence to support a reasonable factfinder's determination that Defendant demonstrated the requisite wantonness or recklessness warranting the potential imposition of punitive damages. (Id.)

Defendant filed no objection to Magistrate Judge Carlson's Report and Recommendation; however, Plaintiff objected to Magistrate Judge Carlson's recommendation regarding Plaintiff's punitive damages claim. (Doc. No. 52.) Plaintiff submitted a brief in support of his objection (Doc. No. 53), and Defendant filed a brief in opposition (Doc. No. 54). Having considered Plaintiff's objection, the Court finds that Magistrate Judge Carlson correctly and comprehensively addressed the substance of Plaintiff's objection in his Report and Recommendation. (Doc. No. 51.) Accordingly, the Court will not write separately to address Plaintiff's objection.

**AND SO**, upon independent review of the record and applicable law, on this 28th day of April 2017, **IT IS ORDERED THAT:**

1. Magistrate Judge Carlson's Report and Recommendation (Doc. No. 51), is **ADOPTED**;
2. Defendant S.N.M.'s motion for partial summary judgment (Doc. No. 44), is **GRANTED IN PART AND DENIED IN PART**, as follows:
  - a. S.N.M.'s motion for partial summary judgment is **DENIED** as to Plaintiff's wrongful death claim;
  - b. S.N.M.'s motion for partial summary judgment is **GRANTED** as to Plaintiff's claims for punitive damages; and

3. This matter is recommitted back to Magistrate Judge Carlson for further pretrial proceedings.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania