

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

PETER PONZINI, ESQUIRE and	:	
MIRYEM BARBAROS, as	:	
Co-Administrators of the Estate of	:	
Mumun Barbaros, Deceased,	:	
	:	
Plaintiffs,	:	
v.	:	3:11-CV-00413
	:	(JUDGE MARIANI)
PRIMECARE MEDICAL INC., et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, THIS 30th DAY OF AUGUST 2017, upon consideration of Paul James, Patricia Bauer, Christina Rowe, Wendy Johnson, Grace Ramos, and PrimeCare Medical Inc.'s (the "PrimeCare Defendants") renewed motions for judgment as a matter of law, or in the alternative, motions for new trial or for remittitur, (Doc. 366), **IT IS HEREBY ORDERED THAT** the PrimeCare Defendants' motions are **GRANTED IN PART AND DENIED IN PART** as follows:

1. Paul James, Patricia Bauer, Christina Rowe, and Grace Ramos' renewed motion for judgment as a matter of law on Plaintiffs' section 1983 claim is **GRANTED**.

2. PrimeCare Medical, Inc.'s renewed motion for judgment as a matter of law on Plaintiffs' section 1983 claim is **GRANTED**.

3. Pursuant to Federal Rule of Civil Procedure 50(c), should the Court of Appeals reverse or vacate the Court's entry of judgment as a matter of law for the PrimeCare Defendants on Plaintiffs' section 1983 claim, the Court conditionally **DENIES** the PrimeCare Defendants' motion for a new trial.
4. The PrimeCare Defendants' motion for judgment as a matter of law on Plaintiffs' negligence claim is **DENIED**.
5. PrimeCare Medical, Inc.'s renewed motion for a judgment as a matter of law seeking dismissal of Plaintiffs' claim for punitive damages is **GRANTED**.
6. Pursuant to Federal Rule of Civil Procedure 50(c), should the Court of Appeals reverse or vacate the Court's entry of judgment as a matter of law for the PrimeCare Defendants on Plaintiffs' claim for punitive damages, the Court conditionally **DENIES** the PrimeCare Defendants' motion for a new trial.
7. The PrimeCare Defendants' motion for a new trial on Plaintiffs' negligence claim is **DENIED**.
8. The PrimeCare Defendants' motion for a new trial on damages and/or remittitur is **DENIED**.



Robert D. Mariani
United States District Judge