

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

EVONNE K. WERT, EXECUTRIX OF THE
ESTATE OF ANNA E. KEPNER, DECEASED

IN THE SUPERIOR COURT OF
PENNSYLVANIA

v.

MANORCARE OF CARLISLE PA, LLC
D/B/A MANORCARE HEALTH SERVICES-
CARLISLE; HCR MANORCARE, INC;
MANOR CARE, INC.; HCR HEALTHCARE,
LLC; HCR II HEALTHCARE, LLC; HCR III
HEALTHCARE, LLC; HCR IV
HEALTHCARE, LLC; GGNSC
GETTYSBURG, LP, D/B/A GOLDEN
LIVING CENTER-GETTYSBURG; GGNSC
GETTYSBURG GP, LLC; GGNSC
HOLDINGS, LLC; GOLDEN GATE
NATIONAL SENIOR CARE, LLC; GGNSC
EQUITY HOLDINGS, LLC; GGNSC
ADMINISTRATIVE SERVICES, LLC

APPEAL OF: GGNSC GETTYSBURG LP,
D/B/A GOLDEN LIVING CENTER -
GETTYSBURG; GGNSC GETTYSBURG GP,
LLC; GGNSC HOLDINGS, LLC; GOLDEN
GATE NATIONAL SENIOR CARE, LLC;
GGNSC EQUITY HOLDINGS, LLC AND
GGNSC ADMINISTRATIVE SERVICES,
LLC

No. 1746 MDA 2012

Appeal from the Order Entered September 13, 2012
In the Court of Common Pleas of Cumberland County
Civil Division at No(s): 12-165 Civil

BEFORE: BOWES, J., OTT, J., and FITZGERALD, J.*

* Former Justice specially assigned to the Superior Court.

CONCURRING STATEMENT BY FITZGERALD, J.

Although I agree with the majority's determination that we are bound by the prior decision of this Court in ***Stewart v. GGNCS-Canonsburg, L.P.***, 9 A.3d 215 (Pa. Super. 2010), I write to observe that I am troubled by the result. Instantly, Appellee signed the admission documents presented to her in order to facilitate her mother's admittance into Appellant's facility. I would not find that the agreement to arbitrate pursuant to the NAF Code is coterminous with agreement that only NAF could administer the arbitration, where the document itself does not identify who shall administer the arbitration.