

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

LORRAINE L. DAVIS, EXECUTRIX OF THE  
ESTATE OF: JOHN J. HUDSON,  
DECEASED

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

HCR MANORCARE, LLC; MANOR CARE OF  
LANCASTER PA, LLC D/B/A MANORCARE  
HEALTH SERVICES – LANCASTER;  
MANORCARE HEALTH SERVICES, INC.  
A/K/A MANORCARE HEALTH SERVICES,  
LLC; MANOR CARE, INC.; HCR  
MANORCARE, INC.; HCR IV HEALTHCARE  
LLC; HCR III HEALTHCARE, LLC; HCR II  
HEALTHCARE, LLC; HCR HEALTHCARE,  
LLC; HCRMC OPERATIONS, LLC;  
HEARTLAND EMPLOYMENT SERVICES,  
LLC; THE LANCASTER GENERAL  
HOSPITAL AND LANCASTER GENERAL  
HEALTH

APPEAL OF: HCR MANORCARE, LLC;  
MANOR CARE OF LANCASTER PA, LLC  
D/B/A MANORCARE HEALTH SERVICES –  
LANCASTER; MANORCARE HEALTH  
SERVICES, INC. A/K/A MANORCARE  
HEALTH SERVICES, LLC; MANOR CARE,  
INC.; HCR MANORCARE, INC.; HCR IV  
HEALTHCARE LLC; HCR III HEALTHCARE,  
LLC; HCR II HEALTHCARE, LLC; HCR  
HEALTHCARE, LLC; HCRMC  
OPERATIONS, LLC; HEARTLAND  
EMPLOYMENT SERVICES, LLC

No. 507 MDA 2015

Appeal from the Order Entered February 25, 2015  
In the Court of Common Pleas of Lancaster County  
Civil Division at No(s): CI-14-06658

BEFORE: PANELLA, J., LAZARUS, J., and JENKINS, J.

JUDGMENT ORDER BY PANELLA, J.

**FILED DECEMBER 21, 2016**

Appellee, Lorraine H. Davis, as executrix for her father, John L. Hudson's estate, instituted the instant action against Appellant business entities (collectively "ManorCare"), which collectively own and operate a nursing home facility known as ManorCare Health Services – Lancaster. In her complaint, Davis asserted causes of action for survival, wrongful death, and punitive damages. Manorcare filed preliminary objections, seeking to enforce an arbitration agreement it had with Hudson. On February 19, 2015, the trial court denied ManorCare's preliminary objection and refused to transfer the case to arbitration. ManorCare filed this timely, interlocutory appeal as of right. **See Gaffer Insurance Company, Ltd. v. Discover Reinsurance Co.**, 936 A.2d 1109, 1110 n. 2 (Pa. Super. 2007).

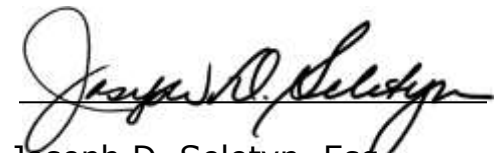
On appeal, ManorCare conceded that this panel was bound to affirm based upon **Taylor v. Extendicare Health Facilities, Inc.**, 113 A.3d 317 (Pa. Super. 2015), **appeal granted**, 122 A.3d 1036 (Pa. 2015). **See** Appellants' Motion for Summary Affirmance. However, they sought to preserve their argument regarding arbitration pending the outcome of the Supreme Court of Pennsylvania's decision in **Taylor**. **See id.**

After reviewing the briefs of the parties and the record, we agreed that **Taylor** controlled, and affirmed and dismissed Manorcare's motion for summary affirmance as moot.

The Supreme Court of Pennsylvania granted Manorcare allowance of appeal on this issue. Subsequently, the Supreme Court reversed **Taylor**. **See Taylor**, 147 A.3d 490 (Pa. 2016). Appellee concedes that under these circumstances, "this matter should be remanded back to the trial court for arbitration-related discovery and further proceedings." **See** Appellee's Brief, at 3.

Order reversed. Case remanded for further proceedings consistent with **Taylor**. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in black ink, reading "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 12/21/2016