IN THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT

JACQUELINE NIEVES CRUZ AND OSCAR CRUZ,	: No. 364-365 EAL 2007 :
Petitioners	: Petition for Allowance of Appeal from the
٧.	: Order of the Superior Court : :
PRINCETON INSURANCE COMPANY, ALAN S. GOLD, ESQUIRE AND GOLD,	
BUTKOVITZ AND ROBINS, PC,	
Respondents	:

<u>ORDER</u>

PER CURIAM

AND NOW, this 29th day of May 2008, the Petition for Allowance of Appeal is **GRANTED** and the Superior Court's decision is **REVERSED** in part to the extent it holds that there was no genuine issue of material fact regarding whether the use of the process was primarily used for a purpose for which it was not designed. <u>See Wimer v. Pa. Emp.</u> <u>Benefit Trust Fund</u>, 939 A.2d 843 (Pa. 2007); <u>see also McNeil v. Jordan</u>, 894 A.2d 1260(Pa. 2006). Further, this matter is **REMANDED** to the Superior Court for consideration of the harm element of <u>McNeil</u>, 894 A.2d at 1275.

Madame Justice Todd did not participate in the consideration or decision of this matter.