

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

DANIEL J. FUNT	:	No. 391 WAL 2006
	:	
v.	:	
	:	Petition for Allowance of Appeal from the
DR. PAUL NOEL, SOMERSET MEDICAL	:	Order of the Commonwealth Court
DEPARTMENT AND RAYMOND	:	entered May 11, 2006 at No. 419 CD
SOBINA, SUPERINTENDENT OF SCI-	:	2005, vacating the Order of the Court of
SOMERSET, ET AL.	:	Common Pleas of Somerset County
	:	entered August 27, 2004 at No. 501 Civil
PETITION OF: DR. PAUL NOEL	:	2003 and remanding.
	:	

ORDER

PER CURIAM

AND NOW, this 20th day of December 2006, we **GRANT** the Petition for Allowance of Appeal, **REVERSE** the order of the Commonwealth Court in light of our decision in Womer v. Hilliker, 25 MAP 2005, and **REMAND** to the trial court with directions that a judgment of *non pros* be entered in accordance with Pa.R.C.P. 1042.6 (allowing the entry of judgment of *non pros* for failure to file a certificate of merit upon praecipe of the defendant).