

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

PENNSYLVANIA STATE POLICE,	:	No. 517 MAL 2002
	:	
Petitioner,	:	Petition for Allowance of Appeal from the
	:	Order of the Commonwealth Court
	:	
v.	:	
	:	
	:	
STANLEY KLIMEK, ADMINISTRATOR	:	
OF THE ESTATE OF GARY G. KLIMEK,	:	
DECEASED, AND STANLEY KLIMEK	:	
AND SHIRLEY KLIMEK, INDIVIDUALLY,	:	
	:	
Respondents.	:	

ORDER

PER CURIAM

DECIDED: December 4, 2002

AND NOW, this 4th day of December 2002, the Petition for Allowance of Appeal is GRANTED. This matter is VACATED and REMANDED to the Commonwealth Court for consideration of the merits of the sovereign immunity arguments the court deemed waived. See Tulewicz v. Southeastern Pennsylvania Transportation Authority, 606 A.2d 427, 429 (Pa. 1992) (defense of sovereign immunity is non-waivable).