

**[J-32-1999]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**WESTERN DISTRICT**

NICOLE L. ALTHAUS, a minor, by	:	No. 70 W.D. Appeal Dkt. 1998
RICHARD T. ALTHAUS and CHERYL	:	No. 71 W.D. Appeal Dkt. 1998
RENEE ALTHAUS, her parents and	:	
natural guardians, and RICHARD T.	:	
ALTHAUS and CHERYL RENEE	:	
ALTHAUS, in their own right,	:	
	:	Appeal from the Order of the Superior
Appellees	:	Court entered April 13, 1998 at Nos. 1138
	:	PGH 1996 & 1217 PGH 1996 affirming the
v.	:	Order of the Court of Common Pleas of
	:	Allegheny County, Civil Division, entered
JUDITH A. COHEN, M.D., and	:	May 23, 1996 at No. G.D. 92-20893
UNIVERSITY OF PITTSBURGH	:	
WESTERN PSYCHIATRIC INSTITUTE	:	
AND CLINIC,	:	
	:	
Appellants	:	ARGUED: March 8, 1999

**DISSENTING OPINION**

MR. CHIEF JUSTICE FLAHERTY

On this record, I would hold that a duty was owed, and, therefore, respectfully dissent. In my view where, as was the case here, the therapist attended preliminary hearings with knowledge that allegations are untrue, indeed physically impossible, and sat idly by, public policy is not well served by a judicially created insulation from liability.

Mr. Justice Nigro joins this dissenting opinion.