

[J-82-2007]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

OLD FORGE SCHOOL DISTRICT, : No. 61 MAP 2006
LAWRENCE S. HERMAN, D.C., :
NACHAS, INC., JASON H. HERMAN, :
ROBERT PETTY, R.G. PETTY : Appeal from the Order of the
MASONRY, ON BEHALF OF : Commonwealth Court entered on March
THEMSELVES AND ALL OTHERS : 21, 2006 at No. 276 MD 2005 which
SIMILARLY SITUATED, : granted Respondent's Application for
: Attorney Fees

Appellants

v.

SUBMITTED: September 12, 2006

HIGHMARK INC., D/B/A HIGHMARK :
BLUE CROSS BLUE SHIELD AND :
PENNSYLVANIA BLUE SHIELD, A NON- :
PROFIT PENNSYLVANIA :
CORPORATION, HOSPITAL SERVICE :
ASSOCIATION OF NORTHEASTERN :
PENNSYLVANIA, D/B/A BLUE CROSS :
OF NORTHEASTERN PENNSYLVANIA, :
COMMONWEALTH OF PENNSYLVANIA, :
INSURANCE DEPARTMENT AND :
INSURANCE COMMISSIONER OF THE :
COMMONWEALTH OF PENNSYLVANIA, :

Appellees

CONCURRING OPINION

MR. JUSTICE BAER

FILED: June 27, 2007

Although I dissented in our recent decision of Miller v. DeWeese, 907 A.2d 1051 (Pa. 2006) (Baer, J. dissenting), a fractured decision of our Court with only five participating justices, I join the Majority opinion in full based on *stare decisis*. While I

am bound to follow this Court's prior precedent, I continue to believe that piecemeal litigation is not good public policy and should be disfavored.