

KEVIN McELWEE, individually as parent	:	IN THE COURT OF COMMON PLEAS OF
to JESSICA McELWEE, deceased, and as	:	LYCOMING COUNTY, PENNSYLVANIA
Administrator of the Estate of JESSICA	:	
McELWEE, deceased; KEVIN McELWEE	:	JURY TRIAL DEMANDED
and JO ANN McELWEE, parents of	:	
JESSICA McELWEE, individually,	:	CIVIL ACTION - LAW
Plaintiffs	:	
	:	
vs.	:	NO. 00-01,795
	:	
PAUL E. LEBER, M.D.; ADAM M.	:	
EDELMAN, M.D.; DONALD E.	:	
SHEARER, M.D.; JEANINE	:	
SINSABAUGH; CINDY KOONS; JUDY	:	
KERSHNER; MUNCY VALLEY	:	
HOSPITAL; SUSQUEHANNA HEALTH	:	
SYSTEM; SUSQUEHANNA PHYSICIAN	:	
SERVICES; and EM CARE and/or WEST	:	
BRANCH EMERGENCY PHYSICIANS,	:	PRELIMINARY OBJECTIONS TO
Defendants	:	AMENDED NEW MATTER/CLARIFICATION

Date: December 24, 2002

OPINION and ORDER

Before the Court is Plaintiffs' Preliminary Objection to Amended New Matter of Defendant Leber *et al* filed November 26, 2002. The Court grants Plaintiffs' Preliminary Objection. The Court previously issued an Opinion and Order on October 18, 2002 that struck certain enumerated paragraphs in Leber *et al*'s New Matter. It was the intent of the Court to strike paragraph 146 dealing with the Healthcare Services Medical Malpractice Act and the Medical Care Availability and Reduction of Error Act. Therefore, paragraph 146 of Leber *et al*'s Amended New Matter must be struck based on the reasoning set forth in this Court's October 18, 2002 Opinion and Order.

ORDER

It is hereby **ORDERED** that Plaintiffs' Preliminary Objection to Amended New Matter of Defendant Leber *et al* filed November 26, 2002 is granted. Paragraph 146 of Defendant Leber *et al*'s Amended New Matter is stricken.

BY THE COURT:

William S. Kieser, Judge

cc: C. Scott Waters, Esquire
David R. Bahl, Esquire
C. Edward S. Mitchell, Esquire
Alan Krier, Esquire
P. O. Box 2024; Altoona, PA 16601
Robert A. Seiferth, Esquire
Judges
Christian J. Kalas, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)