

MEREDITH L. POWELL,	:	IN THE COURT OF COMMON PLEAS OF
	:	LYCOMING COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
vs.	:	NO. 02-00,130
	:	
CRISTINO MORRONE, D.C. and	:	
STUART M. OLINSKY, M.D.,	:	
	:	
Defendants	:	PRELIMINARY OBJECTIONS

Date: September 10, 2002

MEMORANDUM OPINION and ORDER

Before the Court are the preliminary objections of Defendant Dr. Morrone to Plaintiff's Complaint. The preliminary objections were filed on July 1, 2002. Following argument the Court agrees that there is no cause of action based upon an informed consent against Chiropractors under the laws of the Commonwealth of Pennsylvania. The Court is also satisfied that the allegation of Plaintiff's Complaint, which had been objected in paragraphs 18.A. through 18.E., attempt to assert such a claim and therefore will need to be stricken. This is not to say, however, that Plaintiff cannot allege facts such as set forth in paragraphs 18.B, D and E that may relate to some other appropriate cause of action. The Court also agrees with Defendants' contention that paragraph 18.H. is too broad and general in nature, because it does not differentiate as to whether or not the manipulation is improper because of the procedures used in the manipulation as opposed to whether or not it should have been performed upon Plaintiff. Accordingly, the following Order is entered.

ORDER

The Preliminary Objections of Defendants to paragraph 18.A through 18.E. and to paragraph 18.H. of the Complaint are SUSTAINED. Those allegations are stricken. Plaintiff shall have the right to file an amended complaint with twenty days of receiving notice of the entry of this Order.

BY THE COURT:

William S. Kieser, Judge

cc: Richard J. Callahan, Esquire
James Kurtz, Esquire
305 North Front Street, 5th Floor; P. O. Box 1003; Harrisburg, PA 17108-1003
Stuart M. Olinsky, M.D.
1824 East Third Street; Williamsport, PA 17701
Judges
Christian J. Kalaus, Law Clerk
Gary L. Weber, Esquire (Lycoming Reporter)