

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA

|                              |   |                      |
|------------------------------|---|----------------------|
| ROBERT L. BARTO, Executor of | : | No. 01-00665         |
| the Estate of Lois M. Fry    | : |                      |
| Barto, Deceased              | : |                      |
|                              | : |                      |
| Plaintiff                    | : |                      |
|                              | : |                      |
| vs.                          | : | Civil Action - Law   |
|                              | : |                      |
| RANA COLALANNI, CRNP;        | : |                      |
| DR. DAVID AMBROSE, M.D.;     | : |                      |
| LOYALSOCK FAMILY PRACTICE;   | : |                      |
| and SUSQUEHANNA HEALTH       | : | Motion for Use of    |
| SYSTEM,                      | : | Questionare and for  |
| Defendants                   | : | Individual Voir Dire |

ORDER

AND NOW, this day of March 2003, the Court DENIES the Plaintiff's Motion for Use of Questionare Prior to Voir Dire and for Individual Voir Dire. Although Rule 220.1 permits the use of a written questionnaire, it does not require one. Most, if not all, of the background information can be obtained from the forms the jurors completed regarding their eligibility for service; attorneys routinely obtain this information from the Court Administrator's Office prior to jury selection.

The Court does not believe individual voir dire is necessary and believes it would be unduly time consuming. If a juror responds affirmatively to questions regarding

lawsuits and/or medical malpractice cases, the Court could permit follow-up questions to be conducted on an individual basis at sidebar if it appears sensitive information will be covered. The Court also notes it intends to initially broach these subjects with the jury panel and then give counsel the opportunity to ask some questions on the topic.

Finally, the Court notes the purpose of voir dire is not to discover a juror's opinion on these topics, but to determine if their opinions are so fixed or their exposure to this topic through the media, doctors or otherwise is so pervasive that they could not set them aside and render a verdict solely on the facts and the law of this particular case.

By The Court,

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Kenneth D. Brown, Judge

cc: Clifford Rieders, Esquire  
David Bahl, Esquire  
Robert Seiferth, Esquire  
Gary Weber, Esquire (Lycoming Reporter)  
Work File