

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

PATRICIA B. HELMER-HOFFMAN, : No. 00-00769
Plaintiff :
 :
vs. : CIVIL ACTION - LAW
 :
JOSH BUTTERS, : Motion in Limine Regarding
Defendants : Unpaid Medical Bills

ORDER

AND NOW, this 4th day of March 2003, the Court
DENIES the Defendant's Motion in Limine regarding unpaid
medical bills.

The Court notes the unpaid medical bills have been
billed to Plaintiff without reduction. The Court does not
believe that 75 Pa.C.S.A. Section 1797 requires reduction of
medical bills that have not been reduced or modified. The
Court does not believe the case of Pittsburgh Neurosurgery
Associates v. Danner, 733 A.2d 1279(Pa.Super. 1999), which
is a contract action, would compel a different result. In
fact, this case provides some support for allowing the total
unpaid bill to be presented at trial. In its discussion, the
Superior Court stated:

In the context of a jury trial, an injured
party may present unpaid medical bills to a jury
in an action against a tortfeasor for injuries
caused during an automobile accident and the
amount introduced may not be subject to cost
containment. However, any jury award could be

molded by the trial court to reflect cost containment, thus avoiding the problem of double recoveries.

Id. at 1285. Although this language may be considered dicta since the case involved the medical provider attempting to recover the remainder of its bills after the patient settled with the tortfeasor, the Court finds it persuasive in the event this language is not binding. If the jury finds the plaintiff's injuries were caused by the defendant's negligence, the defendant can request that the Court mold the verdict. The defendant should be prepared to provide the Court with the amounts for any reductions.

By The Court,

Kenneth D. Brown, Judge

cc: John Bonner, Esquire
David Smacchi, Esquire
459 Wyoming Ave., Kingston, PA 18704
Eileen Grimes, Deputy CA
Gary Weber, Esquire (Lycoming Reporter)