

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA

ANTHONY HILL, a Minor, : No. 03-00162  
By his Parents and Natural :  
Guardians, JOHN F. HILL, JR. :  
And JENNIFER HILL, and :  
JOHN F. HILL, JR. and :  
JENNIFER HILL, Individually :  
Plaintiffs :  
 :  
vs. : Civil Action - Law  
 :  
SUSQUEHANNA HEALTH SYSTEM, :  
WILLIAMSPORT HOSPITAL AND :  
MEDICAL CENTER, :  
WILLIAM F. KEENAN, M.D., :  
M. THURMAN, M.D., :  
LEE MEYERS, M.D., :  
Defendants : Preliminary Objections

ORDER

AND NOW, this \_\_\_\_day of August 2003, upon  
consideration of Defendants' preliminary objections to  
Plaintiffs' Complaint, it is ORDERED and DIRECTED as  
follows:

1. The Court GRANTS Defendants' preliminary  
objection to paragraph 31 of Plaintiffs' Complaint alleging  
the parents' loss of the child's consortium. Pennsylvania  
does not recognize such a cause of action. Quinn v. City of  
Pittsburgh, 243 Pa. 521, 90 A. 353 (1914); Jackson v.  
Tastykake, Inc., 437 Pa.Super. 34, 39-40, 648 A.2d 1214,  
1217 (1994); Schroeder v. Ear, Nose & Throat Assoc. of

Lehigh Valley, Inc., 383 Pa.Super. 440, 444, 557 A.2d 21, 22-23 (1989). Paragraph 31 is STRICKEN.<sup>1</sup>

2. Defendants remaining preliminary objections are moot as Plaintiffs are withdrawing their claims for spousal consortium set forth in Count VI (paragraphs 42 and 43) and Count VII (paragraphs 44 and 45)<sup>2</sup> and the parties filed a stipulation regarding the other preliminary objections.

By The Court,

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Kenneth D. Brown, Judge

cc: David R. Bahl, Esquire  
Susan A. Morgan, Esquire  
Wapner, Newman, Wigrizer & Brecher  
115 S 21<sup>st</sup> ST  
Philadelphia PA 19103-4483  
Gary Weber, Esquire (Lycoming Reporter)  
Work File

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<sup>1</sup> The Court notes Plaintiffs' counsel acknowledged Pennsylvania does not currently recognize this cause of action; however counsel wished to preserve this claim for appeal or in the event such an action would be recognized during the pendency of this action. If this cause of action were recognized prior to trial in this case, the Court would entertain a motion to amend the Complaint to reinstate paragraph 31. The Court, however, does not want to burden the defense with discovery on this issue until such a cause of action is recognized.

<sup>2</sup> See letter from Plaintiffs' counsel dated June 25, 2003.