

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

HOMER WOLFORD, :
Plaintiff :
vs. : NO. 03-00059
: :
MARK ARMSTRONG, MD; : CIVIL ACTION
GEISINGER CLINIC, :
Defendants :

ORDER

AND NOW, this ____day of December 2003, upon consideration of defendants' preliminary objections to the plaintiff's complaint, it is ORDERED and DIRECTED as follows:

1. With respect to paragraphs 34.8, 45, 46 and 47, the plaintiff agrees to amend his complaint. The plaintiff shall file an amended complaint within twenty (20) days of the date of this order.

2. With respect to paragraphs 39 and 41, the Court GRANTS the preliminary objection in part and DENIES it in part. To the extent the plaintiff asserts a claim that the Geisinger Clinic failed retain competent personnel, the Court would require the plaintiff to specify the persons employed by the Clinic who allegedly were incompetent. To the extent these paragraphs indicate a corporation acts through various boards, committees, and individuals, the Court does not believe the plaintiffs should be required to be more specific. For example, the Court believes the plaintiff could simply

allege that the Geisinger Clinic failed to institute protocols for evaluating individuals who appear with the symptoms and complaints as those presented by the plaintiff; the plaintiff need not name the specific board or committee who would be responsible for instituting such protocols.

3. At this stage of the proceedings, the Court DENIES the defendants' demurrer to the plaintiff's corporate negligence claims contained in Count II of the plaintiff's complaint. The defendants claim the Geisinger Clinic is merely an entity that provides physicians and did does not provide medical services or own the facility. These factual assertions, however, are not part of the record before the Court. Furthermore, the plaintiff has alleged that the Geisinger Clinic was a corporation engaged in the business of providing health care services to the general public.¹ See Plaintiff's complaint, para. 3. The Court believes the record needs to be more fully developed before it can determine which, if any, of the corporate negligence duties would apply to Geisinger Clinic.

¹ Plaintiff's counsel also provided a printout from a Geisinger website that indicates the clinics are more than just a doctor's office, as they also offer "specialty care such as general surgery, neurology, oncology, and cardiology." Thus, even assuming for the sake of argument that the defendants' assertion that corporate negligence does not apply to a doctor's office is correct, it is not clear whether the Geisinger Clinic involved in this case is more akin to a doctor's office or a hospital.

By The Court,

Kenneth D. Brown, Judge

cc: Jeffrey Dohrman, Esquire
Daniel Lohr, Esquire
Gary Weber, Esquire (Lycoming Reporter)