

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 :
SYSTEMS, :
Defendants : Motion for Summary Judgment

ORDER

AND NOW, this 19th day of February 2003, the Court GRANTS the Susquehanna Health Systems' Motion for Partial Summary Judgment on the Plaintiff's corporate negligence theory.¹ Corporate negligence applies to hospitals and HMOs. Thompson v. Nason Hospital, 527 Pa. 330, 591 A.2d 703 (1991); Shannon v. McNulty, 718 A.2d 828 (Pa.Super. 1998) It does not apply to doctor's offices, practice groups or clinics. Milan v. American Vision Center, 34 F.Supp.2d 279 (E.D.Pa. 1998); Dowhouer v. Judson, 45 Pa. D&C 4th 172 (Dauphin County 2000); Brewer v. Geisinger Clinic, Inc., 45 Pa. D&C 4th 215 (Lackawanna County 2000); Dibble v. Penn

¹ This decision has not bearing on the plaintiff's claims of vicarious

State Geisinger Clinic, Inc., 42 Pa. D&C 4th 225 (Lackawanna County 1999). The decedent was seen by Defendant Colaianni at Loyalsock Family Practice, a clinic. The Court also notes that during oral argument Plaintiff's counsel agreed it could not proceed against Susquehanna Health System on a corporate negligence theory.

By The Court,

Kenneth D. Brown, Judge

cc: Clifford Rieders, Esquire
Robert Seiferth, Esquire
David Bahl, Esquire
Work File

liability against the Susquehanna Health System.