

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA

ALBERT BURKHART, a Minor, : No. 01-00310  
By NEDRA BURKHART, Guardian :  
Plaintiff :  
 :  
 :  
vs. : Civil Action - Law  
 :  
PHILLIP BYLER, M.D.; CHARLES :  
LAMADE, M.D. LYCOMING :  
OBSTETRICS & GYNECOLOGY; :  
ASSOCIATES, P.C.; CORNERSTONE :  
FAMILY HEALTH, P.C.; THE : Plaintiffs' Reconsideration  
WILLIAMSPORT HOSPITAL and : Motion of the Court's  
SUSQUEHANNA HEALTH SYSTEM, : Ruling on Plaintiff's  
Defendants : Frye Motion

ORDER

AND NOW, this 14<sup>th</sup> day of March 2003, the Court DENIES Plaintiffs' Motion for Reconsideration of the its Order of March 12, 2003.

It is difficult to respond to Plaintiffs' request for clarification of the March 12, 2003 Order regarding the parameters of the testimony concerning the Mother's conduct during delivery. The Court will give the jury a cautionary instruction as previously discussed that will very clearly tell the jury that the evidence of the Mother's conduct is not presented or offered to prove or claim that Ms. Burkhardt caused the injury in question or that she has any responsibility for the injury in question. Rather, any such testimony is only detailing the actual events of the

delivery in order for the jury to judge the case and the conduct of the Defendants based upon the circumstances during the delivery. The Court believes the cautionary instruction will allow the jury to fairly evaluate the evidence in this case.

By The Court,

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Kenneth D. Brown, Judge

cc: John Kusturiss, Esquire  
David Bahl, Esquire  
Darryl Wishard, Esquire  
Mark Perry, Esquire  
Work File