

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

MILTON MEYER, Individually and as	:	NO. 04-00,182
Administrator of the Estate of Kurt Meyer,	:	
and BRENNAN and RYLI MEYER, the	:	
decedent's minor children,	:	
Plaintiffs	:	
	:	
vs.	:	
	:	CIVIL ACTION - LAW
SUSQUEHANNA HEALTH SYSTEM,	:	
WILLIAMSPORT HOSPITAL &	:	
MEDICAL CENTER, and BHUPINDER	:	
DATTA, M.D.,	:	
Defendants	:	

OPINION IN SUPPORT OF ORDER OF APRIL 6, 2005,  
IN COMPLIANCE WITH RULE 1925(A) OF  
THE RULES OF APPELLATE PROCEDURE

Plaintiffs have appealed this Court's Order of April 6, 2005, which granted the Defendants' motions for summary judgment and entered judgment in favor of Defendants and against Plaintiffs. As explained in the Opinion in support of that Order, summary judgment was based on the failure of Plaintiffs' expert to support their claim of negligence against the particular defendants in this case. In their Statement of Matters Complained of on Appeal, Plaintiffs take issue with the Court's decision in several respects.

First, Plaintiffs contend summary judgment was inappropriate as an issue of material fact was raised by their expert reports, namely whether Dr. Datta should have admitted the decedent to the hospital immediately after he completed his clinical exam, faulting the Court for its "outright rejection" of their "unopposed expert reports". The Court did not reject the expert reports, however; both reports were thoroughly considered. Plaintiffs are simply incorrect in their assertion that their expert opines that Dr. Datta should have admitted the decedent "immediately after Dr. Datta completed his clinical exam." The expert actually says

“based on the information available to him at the time of the initial evaluation, Dr. Datta should have recognized that Mr. Meyer required immediate hospitalization”, and includes in “the information available to him” the results of an initial test which, according to Dr. Datta’s affidavit, were not available to him: “Dr Datta was also aware that the patient had an oxygen saturation of 90%. ... Dr. Datta needed no further information to clearly and unequivocally establish the need for this patient to be admitted to the hospital.” In other words, what the expert opines is that once Dr. Datta had the results of the blood gas specimen, he should have admitted the decedent to the hospital. Since Plaintiffs have produced no evidence to contradict Dr. Datta’s statement that he did not receive the results of the blood gas specimen prior to going off duty and transferring the decedent’s care to another physician, however, their expert’s opinion is based on an incorrect assumption and thus does not raise an issue of material fact.

Plaintiffs also complain of the Court’s “dismissal of the opinion of Plaintiffs’ expert that the tests Dr. Datta ordered were the wrong tests”. The Court did not dismiss this opinion, but, rather, simply found again that such did not raise an issue of material fact because the expert utterly failed to provide a causal link between the ordering of the wrong tests and the harm to the decedent. Indeed, the expert explains that “admission to the hospital would have allowed careful and close observation of the patient and evaluation by other physicians, ultimately leading to the correct diagnosis and treatment.” The expert does not provide any similar explanation of how Dr. Datta’s ordering of different tests would have made a difference, and indeed, in light of the reference to evaluation by other physicians, the Court believes there is no reasonable prospect that it could have.

Finally, Plaintiffs contend the Court’s finding that “there is nothing to indicate that the patient’s remaining in the emergency room rather than being admitted to the hospital during those first thirty-five minutes had anything at all to do with the ultimate outcome” requires Plaintiffs to produce an unduly excessive quantum of evidence in defense of the motion for summary judgment. On the contrary, the Court is requiring Plaintiffs only to produce some evidence of causation, clearly an element of their claim. All Plaintiffs have produced is evidence that the decedent should not have been discharged from the hospital in his condition: no matter how their expert words his report, this is clearly what he is saying. Since it is

undisputed Dr. Datta was not responsible for the decision to discharge the decedent, and Plaintiffs have produced nothing else upon which to base a claim against Dr. Datta, the Court believes the motions for summary judgment were properly granted.

RESPECTFULLY SUBMITTED,

Dudley N. Anderson, Judge

DATED: May 5, 2005

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