

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

RONALD E. STEPPE, individually and :
as the Executor of the Estate of :
VICTORIA G. STEPPE, :
Plaintiff(s) : No. 05-01261
:
vs. : CIVIL ACTION – LAW
:
RODWAN RAJJOUB, M.D.; :
LYCOMING NEUROSURGICAL :
ASSOCIATES, INC.; FAROUK M. :
GEORGY, M.D.; THERESA M. :
SANDER, MSN, CRNP; CARING FOR : Defendant Rajjoub’s Motion for Partial
FAMILIES, INC., : Summary Judgment
Defendants :

ORDER

AND NOW, this ___ day of August 2007, the court GRANTS Defendant Rajjoub’s motion for partial summary judgment and dismisses Plaintiff’s claim for punitive damages. In Pennsylvania, “a punitive damages claim must be supported by evidence sufficient to establish that (1) a defendant had a **subjective** appreciation of the risk of harm to which the plaintiff was exposed and that (2) he acted, or failed to act, as the case may be, in conscious disregard of that risk.” Hutchison v. Luddy, 582 Pa. 114, 124, 870 A.2d 766, 772 (Pa. 2005)(emphasis added); see also Snead v. SPCA, 2007 Pa.Super. 204, 2007 Pa.Super.LEXIS 2079 at 31 (July 11, 2007). The court finds Plaintiff has not presented sufficient direct or circumstantial evidence to show Dr. Rajjoub realized prior to Victoria Steppe’s death that she had a brain tumor.¹

By The Court,

Kenneth D. Brown,
President Judge

cc: Clifford Rieders, Esq./Scott Waters, Esq.
C. Edward S. Mitchell, Esq.
Mark Perry, Esq.
The Perry Law Firm, 305 Linden Street, Scranton PA 18503
Chris Carling, Esq.
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Work file
Gary Weber, Esquire (Lycoming Reporter)

¹ While Plaintiff has a compelling case on the theory of negligence, the court does not believe the case rises to the level of punitive damages.