

Wright

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

DEMARR WRIGHT and GINA WRIGHT
Plaintiff

vs.

PRISON HEALTH SERVICES, INC,
Defendant

:
: CIVIL ACTION
:
: NO. 06-01151
:
:
:

OPINION

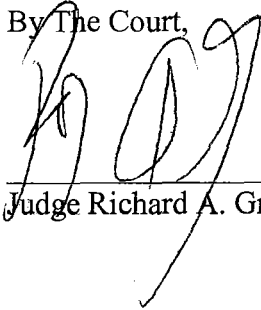
This Opinion comes by way of Defendant's Preliminary Objections and Plaintiff's Preliminary Objections to Defendant's Preliminary Objections. Defendant argues that Plaintiff's Complaint fails to state a cognizable cause of action, specifically due to the fact that Defendant owes no duty to Plaintiff. Plaintiff argues that Defendant's Preliminary Objections were untimely and therefore should be stricken.

As this Court has already noted in Plaintiff's companion case, Seebold v. Prison Health Services, Docket No. 07-00024, the Defendant's Preliminary Objections will not be stricken for being untimely as Plaintiff would not be prejudiced and justice so requires. Furthermore, Defendant owes no duty to Plaintiff. The Court incorporates the Seebold opinion by reference in this case. Therefore Plaintiff has failed to state a cause of action upon which relief may be granted.

ORDER

WHEREFORE, this 4 day of December, 2008, it is hereby ORDERED and DIRECTED that Plaintiff's Preliminary Objections are OVERRULED and Defendant's Preliminary Objections are SUSTAINED. Plaintiff's Complaint is hereby DISMISSED.

By The Court,



Judge Richard A. Gray

Cc: Randall Sees, Esquire
Alan S. Gold, Esquire
261 Old York Rd., Suite 526
Jenkinton, PA 19046
Gary Weber, Esquire