

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DANIEL EZERO, Individually and as Administrator of the :	
Estate of Abby Ezero, M.D., Deceased, :	DOCKET NO. 10-01023
Plaintiff :	CIVIL ACTION – LAW
	:
vs. :	JURY TRIAL DEMANDED
	:
THE WILLIAMSPORT HOSPITAL AND MEDICAL :	ORDER RE: MOTION <i>IN</i>
CENTER; SUSQUEHANNA HEALTH SYSTEM; :	<i>LIMINE</i> – PHOTOGRAPHS
SUSQUEHANNA HEALTH; JOEL OLIVER D’HUE, :	AND DAY IN THE LIFE
M.D.; SUSQUEHANNA HEALTH MEDICAL GROUP; :	VIDEO
HARRY DEAN MINTZER, D.O., and ANESTHESIA :	
ASSOCIATES OF WILLIAMSPORT, :	
Defendants :	

OPINION AND ORDER

AND NOW, this ____ day of July, 2012, following oral argument on the Motion *in Limine* of Defendants The Williamsport Hospital and Medical Center, The Williamsport Hospital Foundation, Susquehanna Health System, Susquehanna Health, Susquehanna Health Systems, Inc., Susquehanna Health Foundation, Joel Oliver D’Hue, M.D., and Susquehanna Health Medical Group to Preclude Photographs and Day in the Life Video of Decedent, it is hereby ORDERED and DIRECTED that Defendants’ motion is GRANTED in part and DENIED in part. Specifically, the parties may use the photographs of Abby Ezero during trial; however, Plaintiff is precluded from presenting the Day in the Life video of Abby because the video is not relevant to any element of recoverable damages. *See Wagner v. York Hospital*, 608 A.2d 496 (Pa. Super. Ct. 1992) (holding that a Day in the Life film was properly admitted because aided the jury in determine pain and suffering damages).

The Court finds that the photographs of Abby Ezero are relevant evidence, and that the relevance of the photographs outweighs any prejudicial value that the photographs may have. Pa. R.E. 401-03. This Court believes that the jury should be able to see the photographs of Abby

Ezero taken during her life because she cannot be present in the courtroom during trial. However, the Court finds that the Day in the Life video would not be relevant to any element of recoverable damages, based upon this Court's ruling on Defendants' motions *in Limine* regarding alleged pain and suffering damages. Pa. R.E. 401-02. Additionally, the Court notes that the Day in the Life video is approximately five-minutes in length and was filmed during the time from of October 23, 2009, to November 2, 2009. Therefore, Defendants' motion is GRANTED in as it relates to the Day in the Life video of Abby Ezero and DENIED in as it relates to the photographs of Abby Ezero.

BY THE COURT,

Richard A. Gray, J.

RAG/abn

cc: Thomas Kline, Esquire/Amy Guth, Esquire
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C. Edward Mitchell, Esquire/Jessica Harlow, Esquire