

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

SHAWNA MORIARITY,
Plaintiff

vs.

WILLIAMSPORT HOSPITAL AND MEDICAL CENTER,
WILLIAMSPORT REGIONAL MEDICAL CENTER FAMILY
MEDICINE RESIDENCY PROGRAM, SUSQUEHANNA
REGIONAL HEALTHCARE ALLIANCE, SUSQUEHANNA
HEALTH MEDICAL GROUP, TIMOTHY HEILMANN, M.D.,
DOUGLAS CHARLES, D.O., and SUSQUEHANNA HEALTH
SYSTEMS, INC.,
Defendants

: NO. 11 - 01,036
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: CIVIL ACTION - LAW
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: Motion for
: Summary Judgment

OPINION AND ORDER

Before the court is Defendants’ Motion for Summary Judgment Regarding Claims of Corporate Negligence, filed September 12, 2013. Argument on the motion was heard November 21, 2013.

In her Fourth Amended Complaint, Plaintiff asserts various claims of negligence against two individual physicians, Dr. Charles and Dr. Heilmann, and claims of vicarious liability and corporate negligence against the corporate defendants. The claims revolve around decedent’s care by Dr. Charles, a third year resident, as supervised by Dr. Heilmann, and an alleged delayed diagnosis and treatment of a subdural hematoma. In the instant motion, Defendants seek dismissal of Count XXI, a corporate negligence claim against The Williamsport Hospital and its Residency Program.

In the motion itself, Defendants argue that the only expert opinion offered to establish corporate negligence is that of Dr. Brown, who bases such opinion on his assumption that Dr. Charles is claiming to have not received a record of decedent’s prior emergency room visit. Dr. Brown finds fault with the hospital’s “failure to communicate the emergency department results to the primary care physicians.” As Dr. Charles admits to his office having received the record, however, thus eliminating the basis for Dr. Brown’s opinion, Defendants argue the opinion is not competent evidence and the claim of corporate negligence cannot be sustained.

In response, Plaintiff argues that the claim of corporate negligence is also based on an alleged failure by Dr. Heilmann to supervise Dr. Charles, and cites to the report and opinion of Dr. Hamilton. Dr. Hamilton does not say anywhere in his report that Dr. Heilmann failed to supervise Dr. Charles.¹ Instead, he alleges that Dr. Heilmann's supervision of Dr. Charles was negligent. Such does not support a claim of corporate negligence. Therefore, Defendants are entitled to summary judgment on this claim.

ORDER

AND NOW, this 22nd day of November 2013, for the foregoing reasons, Defendants' Motion for Summary Judgment Regarding Claims of Corporate Negligence is hereby GRANTED and Count XXI is hereby DISMISSED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Michael Foley, Esq., 600 Linden Street, Scranton, PA 18501
Richard Schluter, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson

¹ Dr. Hamilton notes in his report that Dr. Heilmann testified in his deposition that Dr. Charles came out of the exam room, presented decedent's case, went through the history and the physical exam and that together they discussed the diagnostic possibilities. Clearly Dr. Heilmann was supervising Dr. Charles and Dr. Hamilton would have no basis to opine otherwise.