

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

ROBERT FRITZ EX,	:	CV-2024-00064
Plaintiff	:	
VS	:	
LYCOMING COMMUNITY	:	
CARE INC, d/b/a VALLEY VIEW	:	
REHAB AND NURSING CENTER	:	
Defendant	:	
VS	:	
WOUND HEALING SOLUTIONS	:	
PENNSYLVANIA AND	:	
DELAWARE, LLC	:	
Additional Defendant	:	

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OPINION AND ORDER ON MOTION FOR SUMMARY JUDGMENT
FILED JULY 13, 2026

This matter came before this Court on September 15, 2026, for oral argument on the motion filed on July 13, 2026, by Additional Defendant Wound Healing Solutions Pennsylvania and Delaware, LLC (hereinafter “Wound Healing”) seeking summary judgment in its favor on the claims asserted in the Third-Party Complaint filed by Original Defendant Lycoming Community Care, Inc., doing business as Valley View Rehab and Nursing Center (hereinafter “Valley View”). Plaintiff filed his Complaint on April 22, 2024, alleging medical malpractice by Valley View. Plaintiff claims that Plaintiff’s decedent (hereinafter the “Decedent”) suffered infected pressure wounds while under the care of Valley View, and that the Decedent passed away as a result of those pressure wounds. On May 15, 2024, Valley View filed a Joinder Complaint against Wound Healing. At Paragraph 9 of the Joinder Complaint, Valley View alleges that Wound Healing “treated plaintiff’s decedent for some or all of his pressure wounds.”

Plaintiff has served the thirty-two (32) page expert report of Ziad K. Mirza M.D. (hereinafter “Mirza”). Mirza discusses in detail the care received by the Decedent at Valley View during the period January 31, 2022 through May 5, 2022. Mirza includes reference to wound care received by the Decedent from Wound Healing on February 11, 2022 (page 5), February 18, 2022 (page 6-7), February 26, 2022 (page 8-9), March 4, 2022 (page 9), March 11, 2022 (page 10-11), March 18, 2022 (page 11), March 25, 2022 (page 12), April 1, 2022

(page 12), April 8, 2022 (page 13), April 15, 2022 (page 13), April 21, 2022 (page 14), and April 28, 2022 (page 14). At pages 19 and 20 of his report, Mirza opines that the findings contained within the Decedents' medical records:

raise significant concerns regarding the accuracy, consistency, and adequacy of wound assessment and documentation, as well as the safety and appropriateness of the care provided, including:

Sharp surgical debridement reportedly performed despite a critically elevated INR (>8), placing the resident at high risk for hemorrhage.

Lack of anesthesia during deep sharp debridement in a resident who was not insensate.

Deficient informed consent, with no documentation of risks, alternatives, or anticoagulation-related bleeding risk, and absence of a documented witness.

Conflicting documentation regarding wound progression, staging, and depth, despite the later presence of exposed and fragmented bone, which does not develop over a short time frame and suggests long-standing deep tissue destruction and infection.

Failure to recognize, monitor, and intervene on signs of wound infection, including necrosis, odor, and eventual osteomyelitis.

At Section 9 of his expert report, Mirza attributes the Decedent's passing to:

a result of complications from an infected sacral decubitus ulcer, including progression to advanced pressure injury with necrosis and infection. This condition was directly related to and substantially contributed to by the cumulative failures in care discussed above, including failure to prevent pressure injuries, failure to appropriately treat and monitor the wound, failure to recognize and manage infection, unsafe wound practices, inadequate nutritional support, and failure to provide care consistent with professional standards.

The Test for Summary Judgment:

In Pennsylvania, a party may move for summary judgment "whenever there is no genuine issue of any material fact as to a necessary element of the cause of action..." Pa.R.C.P. No. 1035.2(1). In response, the adverse party may not rest on denials but must respond to the motion. Pa.R.C.P. No. 1035.3(a). The non-moving party can avoid an adverse ruling by identifying "one or more issues of fact arising from evidence in the record" Pa.R.C.P.1035.3(a)(1).

In considering a motion for summary judgment, it is not the Court's function to decide issues of fact. Rather, is it our function to decide whether an issue of fact exists. *Fine v.*

Checcio, 582 Pa. 253, 273, 870 A.2d 850, 862 (2005). In the case of *Hovis v. Sunoco, Inc.*, the Superior court held:

Summary judgment is appropriate only when the record clearly shows that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. The reviewing court must view the record in the light most favorable to the nonmoving party and resolve all doubts as to the existence of a genuine issue of material fact against the moving party. Only when the facts are so clear that reasonable minds could not differ can a trial court properly enter summary judgment.

Hovis v. Sunoco, Inc., 2013 Pa.Super. 54, 64 A.3d 1078, 1081, quoting *Cassel-Hess v. Hoffer*, 44 A.3d 84-85 (Pa.Super. 2012).

In the matter of *Accu-Weather, Inc. v. Prospect Commc'ns, Inc.*, 435 Pa. Super. 93, 644 A.2d 1251 (Pa. Super. Ct. 1994), the Court described the proper test for a grant of summary judgment as follows:

First, the pleadings, depositions, answers to interrogatories, admissions on file, together with any affidavits, must demonstrate that there exists no genuine issue of fact. Pa.R.C.P. 1035(b). Second, the moving party must be entitled to judgment as a matter of law. *Id.* The moving party has the burden of proving that no genuine issue of material fact exists. *Overly v. Kass*, 382 Pa.Super. 108, 111, 554 A.2d 970, 972 (1989). However, the non-moving party may not rest upon averments contained in its pleadings; the non-moving party must demonstrate that there is a genuine issue for trial. The court must examine the record in the light most favorable to the non-moving party and resolve all doubts against the moving party. *Stidham v. Millvale Sportsmen's Club*, 421 Pa.Super. 548, 558, 618 A.2d 945, 950 (1992), *appeal denied*, 536 Pa. 630, 637 A.2d 290 (1993) (citing *Kerns v. Methodist Hosp.*, 393 Pa.Super. 533, 536-37, 574 A.2d 1068, 1069 (1990)). Finally, an entry of summary judgment is granted only in cases where the right is clear and free of doubt. *Ducko v. Chrysler Motors Corporation*, 433 Pa.Super. 47, 48, 639 A.2d 1204, 1205 (1993) (citing *Musser v. Vilsmeier Auction Co., Inc.*, 522 Pa. 367, 370, 562 A.2d 279, 280 (1989)). We reverse an entry of summary judgment when the trial court commits an error of law or abuses its discretion. *Kelly by Kelly v. Ickes*, 427 Pa.Super. 542, 547, 629 A.2d 1002, 1004 (1993) (citing *Carns v. Yingling*, 406 Pa.Super. 279, 594 A.2d 337 (1991)).

Accu-Weather, Inc. v. Prospect Commc'ns, Inc., 435 Pa. Super. 93, 644 A.2d 1251 (Pa. Super. Ct. 1994).

Question Presented:

WHETHER ADDITIONAL DEFENDANT WOUND HEALING IS ENTITLED TO SUMMARY JUDGMENT IN ITS FAVOR ON VALLEY VIEW'S THIRD-PARTY COMPLAINT, BASED UPON THE FACT THAT VALLEY VIEW HAS NOT SERVED AN EXPERT REPORT ALLEGING NEGLIGENCE BY WOUND HEALING.

Answer to Question Presented:

WOUND HEALING IS NOT ENTITLED TO SUMMARY JUDGMENT.

Discussion:

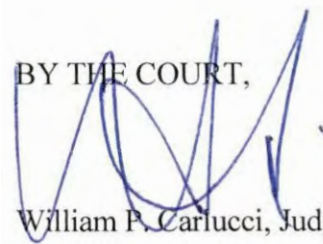
The Court infers that Mirza will testify at trial in a manner substantially consistent with his expert report. In his report, he attributes the passing of the Decedent to medical negligence, including improper wound care. His discussion of the medical records during the period of January 31, 2022 through May 5, 2022, includes references to wound care of the Decedent by Wound Healing on twelve (12) separate days.

Wound Healing invites the Court to conclude that Mirza will testify at trial that the Decedent died, in part, from inadequate wound care, but that his testimony could not possibly support a jury finding of negligence by Wound Healing. The Court declines the invitation.

ORDER

AND NOW, this 16th day of September, 2026, for the reasons more fully set forth above, the Motion filed on July 13, 2026, by Additional Defendant Wound Healing Solutions Pennsylvania and Delaware, LLC, seeking summary judgment in its favor on the claims asserted in the Third-Party Complaint filed by Original Defendant Lycoming Community Care, Inc., doing business as Valley View Rehab and Nursing Center, is **DENIED**.

BY THE COURT,


William P. Carlucci, Judge

cc: ✓ Court Administrator
· William Murry III, Esquire
Murray Stone & Wilson, PLLC
One Tower Bridge
100 Front Street, Suite 1230
West Conshocken, PA 19428
✓ Stephen C. Hartley, Esquire
✓ Michael J. Joyce, Esquire
Marks, O'Neill, O'Brian, Doherty & Kelly, P.C.
1617 John F. Kennedy Blvd. Suite 1010
Philadelphia, PA 19103