

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DANIELLE SHAYLOR	: No. 2026-00107
Plaintiff	:
	:
VS	: CIVIL ACTION - LAW
	:
UNIVERSITY OF PITTSBURGH MEDICAL	:
CENTER AND ANGELA HUGGLER, M.D.	:
AND UPMC SUSQUEHANNA AND	:
UPMC WILLIAMSPORT	:
Defendants	

OPINION AND ORDER ON PRELIMINARY OBJECTIONS FILED JULY 20, 2026

BACKGROUND:

On June 29, 2026, Danielle Shaylor (hereinafter “Plaintiff”) filed a Complaint asserting professional negligence by the Defendants. The Complaint alleges that Defendant Angela Huggler, M.D. (hereinafter “Huggler”) performed surgery on Plaintiff on January 30, 2024, for the removal of her fallopian tubes, but failed to completely remove them. As a result, Plaintiff experienced severe pain and other symptoms over a period of many months. On September 2, 2025, Plaintiff had a second surgery, in which surgeons removed “bilateral hydrosalpinx fallopian tubes” from Plaintiff. At Complaint Paragraph 55, Plaintiff asserts eight (8) claims of negligence on the part of Defendant University of Pittsburgh Medical Center (hereinafter “UPMC”). At Complaint Paragraph 61, Plaintiff asserts seven (7) claims of negligence on the part of Defendant Huggler. At Complaint Paragraph 67, Plaintiff asserts substantially the same claims of negligence as those asserted at Paragraph 55, but directs them against Defendant UPMC Susquehanna. At Complaint Paragraph 73, Plaintiff asserts substantially the same claims of negligence as those asserted at Paragraph 55, but directs them against Defendant UPMC Williamsport.

On July 20, 2026, the Defendants filed Preliminary Objections in three (3) Counts. At Count I, Defendants request that the Court strike any claim of negligence against Huggler based on a theory of vicarious liability. At Count II, Defendants request that the Court stricken allegations at Complaint Paragraphs 67 and 73, as excessively vague. At Count III, Defendants request that the Court strike Plaintiff’s claim of corporate negligence, as legally insufficient.

QUESTIONS PRESENTED:

1. WHETHER PLAINTIFF'S CLAIMS AGAINST HUGGLER BASED UPON VICARIOUS LIABILITY SHOULD BE STRICKEN.
2. WHETHER ALLEGATIONS OF AGENCY SET FORTH IN PARAGRAPHS 67 AND 73 SHOULD BE STRICKEN.
3. WHETHER PLAINTIFF'S CLAIM OF CORPORATE NEGLIGENCE SHOULD BE STRICKEN.

ANSWERS TO QUESTIONS PRESENTED:

1. IF PLAINTIFF INTENDS TO ASSERT A CLAIM AGAINST HUGGLER BASED UPON VICARIOUS LIABILITY, PLAINTIFF WILL BE DIRECTED TO EXPRESSLY STATE THE BASIS FOR THAT CLAIM IN AN AMENDED COMPLAINT, AND TO FILE AN AMENDED CERTIFICATE OF MERIT.
2. PLAINTIFF'S CLAIMS OF AGENCY SET FORTH IN PARAGRAPHS 67 AND 73 WILL NOT BE STRICKEN, BUT PLAINTIFF WILL BE DIRECTED TO FILE AN AMENDED COMPLAINT.
3. PLAINTIFF'S CLAIM OF CORPORATE NEGLIGENCE WILL NOT BE STRICKEN, BUT PLAINTIFF WILL BE DIRECTED TO FILE AN AMENDED COMPLAINT.

DISCUSSION:

1. IF THE PLAINTIFF ASSERTS A CLAIM AGAINST HUGGLER BASED UPON VICARIOUS LIABILITY, PLAINTIFF WILL BE DIRECTED TO FILE AN AMENDED COMPLAINT EXPRESSLY STATING THE BASIS FOR THAT CLAIM, AND TO FILE AN AMENDED CERTIFICATE OF MERIT.

The Test for Preliminary Objections in the Nature of a Demurrer:

A demurrer can only be sustained where the complaint is clearly insufficient to establish the pleader's right to relief. *Firing v. Kephart*, 466 Pa. 560, 353 A.2d 833 (1976). For the purpose of testing the legal sufficiency of the challenged pleading a preliminary objection in the nature of a demurrer admits as true all well-pleaded, material, relevant facts, *Savitz v. Weinstein*, 395 Pa. 173, 149 A.2d 110 (1959); *March v. Banus*, 395 Pa. 629, 151 A.2d 612 (1959), and every inference fairly deducible from those facts. *Chappell v. Powell*, 303 A.3d 507, 511 (Pa.Super. 2023); *Hoffman v. Misericordia Hospital of Philadelphia*, 439 Pa. 501, 267 A.2d 867 (1970); *Troop v. Franklin Savings Trust*, 291 Pa. 18, 139 A. 492 (1927). The pleader's conclusions or averments of law are not considered to be admitted as true by a demurrer. *Savitz v. Weinstein*, *supra*.

Since the sustaining of a demurrer results in a denial of the pleader's claim or a dismissal of his suit, a preliminary objection in the nature of a demurrer should be sustained only in cases that clearly and without a doubt fail to state a claim for which relief may be granted. *Schott v. Westinghouse Electric Corp.*, 436 Pa. 279, 259 A.2d 443 (1969); *Botwinick v. Credit Exchange, Inc.*, 419 Pa. 65, 213 A.2d 349 (1965); *Savitz v. Weinstein*, *supra*; *London v. Kingsley*, 368 Pa. 109, 81 A.2d 870 (1951); *Waldman v. Shoemaker*, 367 Pa. 587, 80 A.2d 776 (1951). If the facts as pleaded state a claim for which relief may be granted under any theory of law then there is sufficient doubt to require the preliminary objection in the nature of a demurrer to be rejected. *Packler v. State Employment Retirement Board*, 470 Pa. 368, 371, 368 A.2d 673, 675 (1977); *see also*, *Schott v. Westinghouse Electric Corp.*, *supra*, 436 Pa. at 291, 259 A.2d at 449.

Mudd v. Hoffman Homes for Youth, Inc., 374 Pa.Super. 522, 524–25, 543 A.2d 1092, 1093–94 (1988) (quoting *County of Allegheny v. Commonwealth*, 507 Pa. 360, 372, 490 A.2d 402, 408 (1985)). Accord, *Ritz v. Ramsay*, 305 A.3d 1056, 1061 (Pa.Super. 2023).

The Claim Against Defendant Angela Huggler, M.D.:

The gravamen of Plaintiff's claim is that Defendant Huggler performed surgery on Plaintiff on January 30, 2024, for the removal of her fallopian tubes, but failed to completely remove them. A pathology examination on February 1, 2024, and subsequent diagnostic procedures, all should have revealed the problem. For whatever reason, they did not. On September 2, 2025, Plaintiff had a second surgery, in which surgeons removed "bilateral hydrosalpinx fallopian tubes" from Plaintiff. Plaintiff claims that, in the interim, she suffered from severe abdominal pain, and various other symptoms.

The Court notes that the seven (7) allegations of negligence against Huggler set forth at Complaint Paragraph 61 do not include a claim based upon vicarious liability. If Plaintiff intended to assert such a claim against her, it could only be based upon the nebulous language contained in Paragraph 10 of the Complaint, which suggests that every named Defendant is responsible for the acts and omissions of everyone who ever treated Plaintiff.

In the Court's view, the allegations set forth in the Complaint are insufficient to inform Huggler of any claims by the Plaintiff, beyond those expressly stated in Paragraph 61. The Plaintiff will be directed to file an Amended Complaint. If the Plaintiff intends to assert any claims against Huggler beyond those expressly stated in Paragraph 61, those claims should be clearly set forth. If Plaintiff asserts any claim against Huggler based upon vicarious liability, Plaintiff must serve an Amended Certificate of Merit.

2. PLAINTIFF’S CLAIMS OF AGENCY SET FORTH IN PARAGRAPHS 67 AND 73 WILL NOT BE STRICKEN, BUT PLAINTIFF WILL BE DIRECTED TO FILE AN AMENDED COMPLAINT.

The Appropriate Standard for Complaint Specificity:

Our Superior Court has observed that:

The pertinent question under Rule 1028(a)(3) is “whether the complaint is sufficiently clear to enable the defendant to prepare his defense,” or “whether the plaintiff’s complaint informs the defendant with accuracy and completeness of the specific basis on which recovery is sought so that he may know without question upon what grounds to make his defense.”

Rambo v. Greene, 2006 PA Super. 231, 906 A.2d 1232, 1236 (Pa.Super. 2006), citing *Ammlung v. City of Chester*, 224 Pa.Super. 47, 302 A.2d 491, 498 N. 36 (Pa.Super. 1973).

Plaintiff’s claim is based upon Huggler’s failure to complete remove Plaintiff’s fallopian tubes, and the failure to other hospital personnel to identify that problem through the pathology examination and subsequent diagnostic procedures. The language in Paragraphs 67 and 73 appears to be directed at the same acts and omissions as those alleged against Huggler. Plaintiff will be directed to file an Amended Complaint, which clearly states the alleged negligence of other agents or employees of the Defendants.

3. PLAINTIFF’S CLAIM OF CORPORATE NEGLIGENCE WILL NOT BE STRICKEN, BUT PLAINTIFF WILL BE DIRECTED TO FILE AN AMENDED COMPLAINT.

The Elements of Corporate Negligence:

Our Superior Court has concluded that, in order to proceed on a claim of corporate negligence, a plaintiff must allege that (1) the hospital deviated from the standard of care; (2) the hospital had actual or constructive notice of the defects or procedures that created the harm; and (3) the hospital’s act or omission was a substantial factor in bringing about the harm. *Kenney v. Butler Memorial Hospital*, 2006 PA. Super. 138, 901 A.2d 1042, 1045 (Pa.Super. 2006), citing *Whittington v. Episcopal Hospital*, 768 A.2d 1144, 1149 (Pa.Super. 2001).

It is not at all clear from the Complaint whether Plaintiff intends to assert a cause of action against any Defendant based upon a theory of corporate negligence. If so, the allegations of corporate negligence are inadequate.

ORDER

AND NOW, this 23rd day of September, 2026, for the reasons more fully set forth above, Defendants' Preliminary Objections filed July 20, 2026, are granted in part and denied in part, as follows:

1. Plaintiff is directed to file an Amended Complaint. If Plaintiff intends to assert any claims against Huggler beyond those expressly stated in Paragraph 61 of the original Complaint, those claims shall be clearly set forth. If Plaintiff asserts any claim against Huggler based upon vicarious liability, Plaintiff must file an Amended Certificate of Merit.
2. If Plaintiff asserts any claims against any corporate defendant, other than claims based upon Huggler's failure to complete remove Plaintiff's fallopian tubes, and the failure of other hospital personnel to identify that problem through the pathology examination and subsequent diagnostic procedures, Plaintiff is directed to clearly state the factual basis for those claims in the Amended Complaint.
3. If Plaintiff intends to assert any claims against any Defendant for corporate negligence, those claims will be set forth in separate counts in the Amended Complaint, which contains the factual basis upon which Plaintiff asserts the claim, including, at a minimum, the elements more fully described above.
4. The Amended Complaint shall be filed within twenty (20) days of the date of filing of this Order.
5. Except to the extent set forth herein, Defendant's Preliminary Objections are **DENIED**.

BY THE COURT:

WILLIAM P. CARLUCCI, JUDGE

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