

[J-7-2010]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

JEANELLE ANTIONETTE TONEY	:	No. 60 MAP 2009
	:	
v.	:	Appeal from the Order of the Superior
	:	Court at No. 1191 EDA 2007 Striking the
CHESTER COUNTY HOSPITAL, THE	:	Application for Reargument dated 12-02-
CHESTER COUNTY HOSPITAL	:	2008 of the Order dated 11-12- 2008
FOUNDATION, INC., MAHEEP GOYAL,	:	Reversing in Part/Affirming in Part and
M.D., EAST MARSHALL STREET	:	Remanding the Order of Chester County
RADIOLOGY, THE UNIVERSITY OF	:	at No. 05-05122 dated 4-19-2007
PENNSYLVANIA d/b/a THE UNIVERSITY	:	
OF PENNSYLVANIA HEALTH SYSTEM	:	961 A.2d 192 (Pa. Super. 2008)
a/k/a THE CLINICAL PRACTICES OF	:	
THE UNIVERSITY OF PENNSYLVANIA	:	
a/k/a HOSPITAL OF THE UNIVERSITY	:	
OF PENNSYLVANIA, AND THE	:	
TRUSTEES OF THE UNIVERSITY OF	:	
PENNSYLVANIA	:	
	:	
APPEAL OF: CHESTER COUNTY	:	
HOSPITAL AND CHESTER COUNTY	:	
HOSPITAL FOUNDATION, INC.	:	ARGUED: March 10, 2010

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FOUNDATION, INC., MAHEEP GOYAL,	:	Reversed in part/Affirming in part and
M.D., EAST MARSHALL STREET	:	Remanding the Order of Chester County
RADIOLOGY AND THE UNIVERSITY OF	:	at No. 05-05122 dated 04-19-2007
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THE UNIVERSITY OF PENNSYLVANIA	:	
a/k/a HOSPITAL OF THE UNIVERSITY	:	
OF PENNSYLVANIA, AND THE	:	

TRUSTEES OF THE UNIVERSITY OF : ARGUED: March 10, 2010
PENNSYLVANIA :
:
:
APPEAL OF: MAHEEP GOYAL, M.D., :
THE UNIVERSITY OF PENNSYLVANIA :
d/b/a THE UNIVERSITY OF :
PENNSYLVANIA HEALTH SYSTEM a/k/a :
THE CLINICAL PRACTICES OF THE :
UNIVERSITY OF PENNSYLVANIA a/k/a :
HOSPITAL OF THE UNIVERSITY OF :
PENNSYLVANIA, AND THE TRUSTEES :
OF THE UNIVERSITY OF :
PENNSYLVANIA :

ORDER

PER CURIAM

DECIDED: December 22, 2011

AND NOW, this 22nd day of December, 2011, the Court being equally divided, the Order of the Superior Court is **AFFIRMED**.

Madame Justice Orié Melvin did not participate in the consideration or decision of this case.

Mr. Justice Baer files an opinion in support of affirmance in which Madame Justice Todd and Mr. Justice McCaffery join.

Madame Justice Todd files an opinion in support of affirmance.

Mr. Chief Justice Castille files an opinion in support of reversal.

Mr. Justice Saylor files an opinion in support of reversal in which Mr. Justice Eakin joins.