

J-A04009-15

J-A04010-15

2015 PA Super 132

MICHAEL J. YOCABET,

Appellee

v.

UPMC PRESBYTERIAN AND
UNIVERSITY OF PITTSBURGH
PHYSICIANS

APPEAL OF: UPMC PRESBYTERIAN
SHADYSIDE,

Appellant

CHRISTINA L. MECANNIC,

Appellee

v.

UPMC PRESBYTERIAN AND
UNIVERSITY OF PITTSBURGH
PHYSICIANS

APPEAL OF: UPMC PRESBYTERIAN
SHADYSIDE,

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 569 WDA 2014

Appeal from the Order Entered March 11, 2014,
in the Court of Common Pleas of Allegheny County,
Civil Division at No(s): G.D. NO. 11-19112, G.D. NO. 11-19113

MICHAEL J. YOCABET,

Appellee

v.

IN THE SUPERIOR COURT OF
PENNSYLVANIA

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UPMC PRESBYTERIAN AND
UNIVERSITY OF PITTSBURGH
PHYSICIANS

APPEAL OF: UPMC PRESBYTERIAN
SHADYSIDE,

Appellant

CHRISTINA L. MECANNIC,

Appellee

v.

UPMC PRESBYTERIAN AND
UNIVERSITY OF PITTSBURGH
PHYSICIANS

APPEAL OF: UPMC PRESBYTERIAN
SHADYSIDE,

Appellant

No. 1230 WDA 2014

Appeal from the Order Entered June 26, 2014,
in the Court of Common Pleas of Allegheny County,
Civil Division at No(s): G.D. NO. 11-19112, G.D. NO. 11-19113

BEFORE: BOWES, OLSON, and STRASSBURGER,* JJ.

CONCURRING AND DISSENTING OPINION BY STRASSBURGER, J.:

FILED: June 5, 2015

For the reasons provided by the Majority, I too would affirm the March 11, 2014 order. I therefore join Part II of the Majority Opinion. However,

* Retired Senior Judge assigned to the Superior Court.

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unlike the Majority, I also would affirm the June 26, 2014 order. Thus, I dissent to Part III of the Majority Opinion.

As to the June 26, 2014 order, I agree with the trial court's assessment of UPMC's attorney-client-privilege argument. UPMC did not claim that Ms. Concordia is a lawyer, and nothing in the record would permit a finding that her presentation to the Board was a discussion with legal counsel. For these reasons, I conclude that the trial court properly determined that the attorney-client privilege does not protect the information the plaintiffs sought in requests 23 and 24.

I further note that the trial court refused to address UPMC's claim that the information in-question was protected by the peer review privilege, essentially because UPMC failed to present the court with a developed argument in support of that claim. Because I agree with the court, I believe the peer review privilege is not grounds for relief concerning the June 26th order.

For these reasons, I would affirm the trial court's orders.