

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

TINA MCMICHAEL, INDIVIDUALLY AND
AS EXECUTRIX OF THE ESTATE OF
SETH W. MCMICHAEL, DECEASED

v.

PETER MCMICHAEL; JANICE
MCMICHAEL; P&J CONSTRUCTION
AND LANDSCAPE NURSERY LLC; AND
MARKWEST ENERGY PARTNERS, L.P.

PETITION OF: PETER MCMICHAEL AND
P&J CONSTRUCTION AND LANDSCAPE
NURSERY LLC

TINA MCMICHAEL, INDIVIDUALLY, AND
AS EXECUTRIX OF THE ESTATE OF
SETH W. MCMICHAEL, DECEASED,

Respondent

v.

PETER MCMICHAEL AND P&J
CONSTRUCTION AND LANDSCAPE
NURSERY LLC,

Petitioners

: No. 147 WAL 2019
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: Petition for Allowance of Appeal from
: the Order of the Superior Court

: No. 148 WAL 2019
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: Petition for Allowance of Appeal from
: the Order of the Superior Court

ORDER

PER CURIAM

AND NOW, this 22nd day of October, 2019, the Petition for Allowance of Appeal is **GRANTED**. The issue, as stated by Petitioners, is:

When there is no evidence of economic losses under the Wrongful Death Act, such as medical or funeral expenses, or estate administration costs; no evidence as to the amounts that the decedent would have provided to his family over his lifetime; and no evidence as to the value of the services that the decedent would have provided to his family; and the jury did not accept as credible evidence of the spouse's alleged non-economic loss, was the jury within its prerogative to award no damages under the Wrongful Death Act, was the trial court within its discretion in denying a new trial as to damages under that act, and did the Superior Court err in adopting a *per se* requirement of damages in virtually all wrongful death cases?

Justice Donohue did not participate in the consideration or decision of this matter.