

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

ELIZABETH H. LAGEMAN, BY AND	:	No. 578 MAL 2020
THROUGH HER POWER OF ATTORNEY	:	
AND DAUGHTER, ADRIENNE LAGEMAN,	:	
	:	Petition for Allowance of Appeal
Respondents	:	from the Order of the Superior Court
	:	
v.	:	
	:	
JOHN ZEPP, IV, D.O.; ANESTHESIA	:	
ASSOCIATES OF YORK, PA, INC.; YORK	:	
HOSPITAL; AND WELLSPAN HEALTH,	:	
T/D/B/A YORK HOSPITAL,	:	
	:	
Petitioners	:	

**ORDER**

**PER CURIAM**

AND NOW, this 31<sup>st</sup> day of March, 2021, the Petition for Allowance of Appeal is **GRANTED, LIMITED TO** the issue set forth below. Allocatur is **DENIED** as to the remaining issue. The issue, as stated by Petitioners, is:

Did the Superior Court's majority opinion conflict with this Court's holdings in *Quinby v. Plumsteadville Family Practice, Inc.*, 907 A.2d 1061 (Pa. 2006), and *Toogood v. Rogal*, 824 A.2d 1140 (Pa. 2003) (plurality), and the Superior Court's *en banc* opinion in *MacNutt v. Temple Univ. Hosp.*, 932 A.2d 980 (Pa. Super. 2007) (*en banc*), when the Superior Court found an abuse of discretion and reversible error in the trial court's refusal to give a jury instruction on *res ipsa loquitur* where the underlying case was medically complex and the plaintiff had otherwise established a *prima facie* case of medical professional negligence by direct expert testimony offered to a reasonable degree of medical certainty?