

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

M.D. Appeal Dkt.
44 MAP 2017

NANCY NICOLAOU AND NICHOLAS NICOLAOU,	:	No. 58 MAL 2017
	:	
	:	
Petitioners	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court
	:	
v.	:	
	:	
	:	
JAMES J. MARTIN, M.D., LOUISE A. DILLONSYNDER, CRNP, JEFFREY D. GOULD, M.D., ST. LUKE'S HOSPITAL, ST. LUKE'S HOSPITAL AND HEALTH NETWORK, ST. LUKE'S HOSPITAL UNION STATION MEDICAL SURGICAL CLINIC D/B/A ST. LUKE'S SOUTHSIDE MEDICAL CENTER, ST. LUKE'S ORTHOPAEDIC SURGICAL GROUP, AND NAZARETH FAMILY PRACTICE,	:	
	:	
Respondents	:	

ORDER

PER CURIAM

AND NOW, this 18th day of August, 2017, the Petition for Allowance of Appeal is
GRANTED. The issues, as stated by Petitioners, are:

- a. Did the Trial Court err in granting Respondents' Motion for Summary Judgment and holding that Petitioners' medical malpractice action was time barred under 42 Pa.C.S. § 5524(2) and did not meet the Discovery Rule Exception when Plaintiff did not, and was financially unable to, confirm Respondents' negligent misdiagnosis until final medical testing confirmed she had Lyme Disease on February 13, 2010?

- b. Did the Trial Court abuse its discretion in granting Respondents' Motion for Summary Judgment when there was a genuine issue of material fact, which should be presented to a jury, as to whether Petitioners' medical malpractice action is tolled from the running of the Statute of Limitations under 42 Pa.C.S. § 5524(2) by the Discovery Rule?

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