

2016 PA Super 70

ANN COUGHLIN, ADMINISTRATRIX OF	:	IN THE SUPERIOR COURT OF
THE ESTATE OF THOMAS COUGHLIN,	:	PENNSYLVANIA
DECEASED	:	
	:	
Appellant	:	
	:	
v.	:	
	:	
UMMU MASSAQUOI	:	No. 3367 EDA 2014

Appeal from the Judgment Entered January 26, 2015,
in the Court of Common Pleas of Philadelphia County,
Civil Division at No. July Term, 2013 No. 0355

BEFORE: FORD ELLIOTT, P.J.E., STABILE and STRASSBURGER, JJ.*

CONCURRING STATEMENT BY: STRASSBURGER, J.: **FILED March 21, 2016**

I agree with the Majority’s conclusion that the expert testimony presented at trial was sufficient corroborating evidence to permit admission of the decedent’s BAC; thus, the trial court did not abuse its discretion.

I write separately to note that Coughlin’s reliance on **Clinton v. Giles**, 719 A.2d 314 (Pa. Super. 1998), is misplaced. Following this Court’s recent decision in **Braun v. Target Corp.**, 983 A.2d 752 (Pa. Super. 2009), which relied upon **Gallagher v. Ing**, 532 A.2d 1179 (Pa. 1987) to affirm the admission of intoxication evidence corroborated by expert testimony, this Court’s contrary determination in **Clinton** is no longer good law.

Judge Stabile joins the concurring statement.

*Retired Senior Judge assigned to the Superior Court.