## IN THE SUPREME COURT OF PENNSYLVANIA WESTERN DISTRICT

JOHN BROWN, : No. 12 WAL 2024

Respondent

: Petition for Allowance of Appeal

: from the Order of the Superior Court

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GEORGE GAYDOS, AN INDIVIDUAL, T/D/B/A GAYDOS CONSTRUCTION,

:

Petitioner

## <u>ORDER</u>

## **PER CURIAM**

**AND NOW**, this 23<sup>rd</sup> day of July, 2024, the Petition for Allowance of Appeal is **GRANTED**, **LIMITED TO** the issue set forth below. Allocatur is **DENIED** as to all remaining issues.

Where the record is clear that the plaintiff and defendant were employed by the same company and the plaintiff's injury was compensable under the Worker's Compensation Act, must the court consider whether the defendant was working in the course of his performance of duties for the employer to determine if the defendant is entitled to immunity as a co-employee?

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