

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

HAYLEY FREILICH,	:	No. 245 EAL 2023
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
	:	
	:	
SOUTHEASTERN PENNSYLVANIA	:	
TRANSPORTATION AUTHORITY,	:	
	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 11th day of March, 2024, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner are:

- (1) Does 42 Pa.C.S § 8528(b) violate [Petitioner’s] right to a remedy in Article I, Section 11 of the Pennsylvania Constitution under the facts of this case, where [Petitioner’s] recovery will be consumed by costs, fees, and insurance reimbursement claims?

- (2) Does 42 Pa.C.S § 8528(b) violate [Petitioner’s] right to a jury trial in Article I, Section 6 of the Pennsylvania Constitution under the facts of this case, where [Petitioner’s] recovery will be consumed by costs, fees, and insurance reimbursement claims?

In addition, the parties are **DIRECTED** to address the following question:

If the Court concludes that the limitation of damages set forth in 42 Pa.C.S. § 8528 is unconstitutional, is Section 8528 severable from the limited waiver of sovereign immunity set forth in 42 Pa.C.S. §8522(a)?