

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

HAYLEY FREILICH,

Petitioner

v.

SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY,

Respondent

: No. 245 EAL 2023

:
:

: Petition for Allowance of Appeal
: from the Order of the
: Commonwealth Court

:
:
:
:
:
:
:
:

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)?