

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

ERIC TOPPY,

Petitioner

v.

PASSAGE BIO, INC.,

Respondent

: No. 486 EAL 2025

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

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**ORDER**

**PER CURIAM**

**AND NOW**, this 15th day of July, 2026, the Petition for Allowance of Appeal is **GRANTED, LIMITED TO** the issue set forth below. Allocatur is **DENIED** as to all remaining issues. The issue, rephrased for clarity, is:

Can Pennsylvania's mediation privilege, 42 Pa.C.S. § 5949(a), be implicitly waived when mediation communications and mediation documents are disclosed and used in pending litigation between the parties to the mediation, and the party claiming privilege fails to take any remedial action until filing a pretrial motion *in limine* more than four years after privileged material was made public?