

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

RAY M. BOURGEOIS AND MARY ANN I. BOURGEOIS,	:	No. 768 MAL 2018
	:	
	:	
Petitioners	:	Petition for Allowance of Appeal from the Order of the Superior Court
	:	
v.	:	
	:	
	:	
SNOW TIME, INC. AND SKI ROUNDTOP OPERATING CORPORATION,	:	
	:	
Respondents	:	

ORDER

PER CURIAM

AND NOW, this 25th day of June, 2019, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by Petitioner, are:

- (1) Did the majority panel opinion conflict with existing law by failing to address the trial court's disregard of Petitioners' expert reports when granting summary judgment?
- (2) Did the majority panel opinion conflict with existing law requiring it to review Petitioners' expert reports in the light most favorable to the non-moving party by, *inter alia*, (a) improperly requiring Petitioners' experts to establish the legal duty that Respondents breached, (b) dismissing their opinions as conclusory, and (c) overlooking numerous opinions throughout their reports which supported Petitioners' *prima facie* case against Respondents?
- (3) Did the majority panel opinion conflict with existing law when it held that Petitioners did not establish the duties Respondents owed to Petitioners, when the duty of a snow tubing facility to protect its patrons from unreasonable risks of harm has already been established by the Supreme Court in *Tayar v. Camelback* [47 A.3d 1190 (Pa. 2012)]?

- (4) Did the majority panel opinion conflict with existing law by requiring that a violation of industry standards be demonstrated for Petitioners to sustain a recklessness or gross negligence cause of action against Respondents?