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| CHRISTOPHER T. MACKENZIE, Administrator of the Estate of AARON J. MACKENZIE, Deceased and CHRISTOPHER T. MACKENZIE and TARA M. MACKENZIE, in their own right, Plaintiffs | : | IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA |
| vs. | : | |
| BORIS GABINSKIY, M.D., GEISINGER HEALTH SYSTEM, PENN STATE GEISINGER HEALTH PLAN, d/b/a GEISINGER HEALTH PLAN, and LOCK HAVEN HOSPITAL, Defendants | : | NO. 01-00, 455<br>PRELIMINARY OBJECTIONS |

**Date: December 28, 2001**

***OPINION and ORDER***

Before the Court are Preliminary Objections of all Defendants to Plaintiffs' Complaint. The Complaint, filed on September 11, 2000, asserts a medical malpractice claim brought by Plaintiffs, Christopher T. MacKenzie and Tara M. MacKenzie, to recover damages for the death of their newborn son, Aaron J. MacKenzie.

Defendant Lock Haven Hospital filed their Objections to the Complaint on October 3, 2000, which demur to the claims of negligent infliction of emotional distress claim of both mother and father, Plaintiffs. In the alternative, Lock Haven Hospital seeks a more specific pleading of these claims. Hospital's objections also seek more specific allegations of the negligence relating to acts of the employees and agents of the Hospital who are alleged to have acted negligently as well as to how the Hospital failed to properly train supervise and control those providing medical care to Plaintiffs and their deceased child. Finally, Lock Haven Hospital seeks to strike the addendum clause of the Complaint, which seeks damages in

excess of $50,000. Defendant Dr. Gabinskiy (hereinafter referred to as "Dr. Gabinskiy") and Defendants Geisinger Health System, Penn State Geisinger Health Plan, d/b/a Geisinger Health Plan (hereinafter referred to as "Geisinger") filed their Preliminary Objections to Plaintiffs' Complaint on October 6, 2000, which Objections demur to Plaintiffs' Punitive Damages claims. They also seek to strike for lack of specificity the allegations of "agency", which assert negligent conduct by unidentified individuals. Arguments on the Objections were heard before this Court on June 18, 2001. For the reasons to be explained in this opinion, Defendant Lock Haven Hospital's Preliminary Objection in the nature of a demurrer to Plaintiff Mother's negligent infliction of emotional distress claim will be denied; its demurrer to Plaintiff Father's claim for negligent infliction of emotional distress, their objection to strike or amend the Complaint for lack of specificity and the motion to strike the addendum clause will be granted. Defendants Dr. Gabinskiy and Geisinger's Preliminary Objections to strike the punitive damages claim and to strike non-specific allegations of agency will be denied.

***Facts***

The Complaint of Plaintiff Mother, Tara M. MacKenzie (hereinafter "Plaintiff Mother") and Plaintiff Father, Christopher T. MacKenzie (hereinafter "Plaintiff Father") alleges the following events leading up to the December 24, 1999, delivery of Aaron J. MacKenzie, by Dr. Gabinskiy, at the Lock Haven Hospital. Dr. Gabinskiy was an employee or agent of Geisinger.

On May 20, 1999, Plaintiff Mother presented to the office of Geisinger for prenatal care for her first pregnancy. Plaintiff Mother treated at Geisinger up to and until she

was admitted to the Lock Haven hospital on December 22, 1999. Plaintiff Mother continued to be treated by Geisinger doctors the entire time she was at Lock Haven Hospital.

During the course of giving birth to her child on December 24, 1999, at 7:35 p.m., Plaintiff Mother was pushing with contractions. At 8:14 p.m., Dr. Gabinskiy attempted vacuum delivery. After Dr. Gabinskiy made several unsuccessful attempts to deliver the baby with a vacuum extractor, Dr. Gabinskiy made multiple attempts to deliver the baby with forceps. At 8:40 p.m., Gabinskiy delivered the baby's head, but encountered difficulty with the delivery of the shoulders. Dr. Gabinskiy attempted the McRoberts maneuver and Plaintiff Mother was rolled onto her hands and knees. The baby was delivered at 8:55 p.m. The baby was resuscitated and respiration was established at 5 minutes.

According to the Complaint, Dr. Gabinskiy fractured the baby's right humerus during the multiple attempts to deliver. The baby sustained birth injuries including an expanding cephalohematoma, right humerus fracture and shoulder dystocia. The baby was life-flighted to Geisinger Medical Center and admitted at 12:55 a.m. on December 25, 1999. The baby died almost three days later on December 27, 1999, at 7:59 p.m.

Plaintiff Father was present throughout the labor and delivery of the baby. It is alleged that Plaintiff Father was aware of the traumatic delivery of the baby in a severely compromised medical condition. As a result of witnessing the delivery, Plaintiff Father allegedly suffered great mental anguish and suffering, severe emotional distress and shock to his nervous system.

Plaintiffs request compensatory damages against all Defendants in excess of $50,000 and punitive damages against Dr. Gabinskiy and Geisinger.

Plaintiffs' Complaint alleges Lock Haven Hospital was negligent in failing to provide adequate nursing care to Plaintiffs; failing to contact appropriate hospital supervisors concerning Dr. Gabinskiy's improper delivery of the baby; failing to comply with nursing protocols for the use of the vacuum extractor during delivery of the baby; improperly utilizing the vacuum extractor during delivery; failing to abandon the use of the vacuum extractor when satisfactory progress was not made in delivery; use of excessive force and pressure during application of the vacuum extractor; failing to understand the maternal and the fetal effects of uterine stimulating agents during the labor and delivery; improperly providing uterine stimulants agents to Plaintiff Mother during her labor; failing to institute proper medical treatment to Plaintiff Mother after complications during labor and delivery; failing to seek consultation with appropriate medical staff specialists; failing to interpret the signs and symptoms of fetal distress and take appropriate action; failing to timely recognize the seriousness of the medical conditions of the mother and baby and perform a C-Section delivery; improperly assisting in the use of the vacuum extractor in the delivery of the baby; failing to adequately monitor the physical status of the mother and baby after admission to the hospital; and failing to timely and safely deliver the baby. Furthermore, Plaintiffs allege the nurses failed to possess the proper training, the hospital failed to supervise and monitor the administration of medical care and the hospital failed to determine the qualifications of the Geisinger doctors.

Plaintiffs' claims for punitive damages against Dr. Gabinskiy and Geisinger are for the most part set forth in paragraphs 77, 83, 120, 121 and 124 of the Complaint, with paragraphs 77 and 83 itemizing the specific acts of negligence and reckless and wanton conduct

which form the basis of the improper medical care rendered to Plaintiff Mother and the child. Plaintiffs allege in subparagraphs 77 and 83 of the Complaint that Dr. Gabinskiy and Geisinger were reckless and wanton in: (a) using greatly excessive force with the vacuum extractor and forceps to deliver Plaintiff Mother's decedent when he knew that it would cause injury to Plaintiff Mother's decedent; (b) using forceps and vacuum extractor when Plaintiff Mother's decedent was in a +2 station; (c) applying excessive force to the delivery of Plaintiff Mother's decedent causing fracture of his right humerus; (d) failing to abandon the use of the forceps procedure when undue force was necessary to effect delivery of Plaintiff Mother's decedent; (e) failing to abandon the use of the forceps procedure when the procedure did not proceed easily; (f) continuing to manage labor and delivery of Plaintiff Mother's decedent, Aaron J. MacKenzie when he knew that he did not have sufficient experience to safely deliver Plaintiff Mother's decedent; (g) applying excessive force with use of forceps and vacuum extractor knowing that injury to Plaintiff Mother's decedent, Aaron J. MacKenzie, would occur; (h) utilizing forceps and vacuum extractor without sufficient training, experience and skill in their use under the circumstances of Plaintiff Mother's decedent's delivery.

***Discussion***

This opinion is first going to address Defendants' Preliminary Objections which request a demurrer to Plaintiff Mother's and Father's claims for negligent infliction of emotional distress. Next, are Defendants' Motions to Strike or Amend for Lack of Specificity, and finally, Defendants' Motion to Strike the Punitive Damages claims.

***Negligent Infliction of Emotional Distress Claims***

Defendant Lock Haven Hospital's first and second Preliminary Objections demur to the negligent infliction of emotional distress claims in Count IX (Plaintiff Father) and Count XIII (Plaintiff Mother) or require Plaintiffs to file a more specific Complaint setting forth Plaintiff Mother's and Father's claims.

Preliminary objections in the nature of a demurrer test the legal sufficiency of a complaint. ***Turner v. The Medical Center, Beaver, PA., Inc.***, 686 A.2d 830 (Pa. Super. 1996) (*allocatur denied)*. To sustain preliminary objections in the nature of a demurrer, it must appear certain that upon the factual averments and all inferences, which may be fairly deduced from them, the law will not permit recovery by a plaintiff. ***Halliday v. Beltz***, 514 A.2d 906 (Pa. Super. 1986).

A claim for negligent infliction of emotional distress depends upon three factors: (1) whether plaintiff was located near the scene; (2) whether the shock resulted from a direct emotional impact from the sensory and contemporaneous observance of the event, as opposed to learning of its occurrence afterward; (3) whether plaintiff and victim were closely related. ***Love v. Cramer***, 606 A.2d 1175, 1177 (Pa. Super. 1992) (*allocatur denied), citing* ***Sinn v. Burd***, 404 A.2d 672, 685 (Pa. 1979).

In formulating this rule, the Supreme Court "contemplated a discreet and identifiable traumatic event to trigger recovery." ***Id.*** In the absence of such an event, no recovery is permitted. ***Id.***

The Pennsylvania Supreme Court in ***Sinn v. Burd***, 486 Pa. 146, 170, 404 A.2d 672, 685 (1979), set forth the following factors that are necessary to state a cause of action for negligent infliction of emotional distress:

> 1. Whether plaintiff was located near the scene of the accident, as compared with one who was a distance away from it;
> 2. Whether the shock resulted from a direct emotional impact upon the plaintiff from the sensory and contemporaneous observation of the accident, as contrasted with learning of the accident from others after its occurrence; and
> 3. Whether the plaintiff and the victim were closely related, as contrasted with the absence of any relationship or the presence of a distant relationship."

Of the previous factors identified in ***Sinn***, factor number three is easily met. Plaintiff Mother and Father were obviously closely related, as Aaron J. MacKenzie was their son. Therefore, factor number three is satisfied.

The two remaining factors need more analysis. Factor number one deals with whether Plaintiff Mother and Father were located near the scene of the accident rather than one who is a distance away from it. In ***Sinn***, our Supreme Court adopted the rule, which confirmed a cause of action for damages in a person who was a bystander eyewitness to traumatic injuries suffered by a child. The claimant was the mother of a child and she saw a vehicle strike the child in a fashion that resulted in the child's death. ***Id***. at 150.

As to the claims of Plaintiff Father in our case, it is most important to note that the potential liability of the defendant in ***Sinn*** was grounded on the fact that the claimant was a bystander parent, who witnessed the violent death of her small child. Based on the Court's decision in ***Sinn***, it is this Court's determination that both Plaintiff Mother and Father were near the scene of the accident. Both Plaintiff's were present in the labor and delivery room of

Lock Haven Hospital during the multiple attempts of delivery of their son, Aaron J. MacKenzie. The fact that after delivery, baby MacKenzie was transported to Geisinger Medical Center by life flight where he passed away almost three days later, does not preclude the Plaintiff's from satisfying factor number one in the ***Sinn*** case. The Plaintiff's were present during the delivery attempts and the final delivery of their son in a severely compromised medical condition. Therefore, factor number one is satisfied in that both Plaintiff Mother and Father were located near the scene of the accident, as compared with one who was a distance away from it.

The final factor, factor number two, deals with whether the shock resulted from a direct emotional impact upon the Plaintiff from the sensory and contemporaneous observation of the accident, as contrasted with learning of the accident from others after its occurrence. Since ***Sinn v. Burd***, the debate has centered on the meaning of "sensory and contemporaneous observance." ***Id.*** 486 Pa. At 171, 404 A. 2d at 685.

The Superior Court relying on ***Mazzagatti v. Everingham by Everingham***, 512 Pa. 280, 516 A.2d 672 (Pa. 1986), held a parent's claim for negligent infliction of emotional distress to be sufficient where the parent observed a traumatic amputation suffered by a child even though the parent was not personally endangered by the accident, finding the relative who contemporaneously observes the tortuous conduct has no time span in which to brace his or her emotional system; the negligent tortfeasor inflicts upon this bystander an injury separate and apart from the injury to the victim. ***Krysmalski by Krysmalski v. Tarasovich***, 622 A.2d 298, 316 (Pa. Super., 1993).

Relying on ***Sinn, Krysmalski*** allowed plaintiff's claim to be maintained despite an absence of a physical manifestation of such injury.

With regard to Plaintiff Mother, this Court finds that Tara M. MacKenzie did suffer an impact during the delivery of decedent, Aaron J. MacKenzie, and that Plaintiff Mother did set forth sufficient physical injuries to pursue a claim for negligent infliction of emotional distress. Paragraph 120 of the Complaint states: "As a direct and proximate result of the Defendants' careless, negligent, reckless and wanton misconduct, Plaintiff, Tara M. MacKenzie, suffered injuries, as described aforesaid, great mental anguish and emotional suffering which she will continue to suffer for an indefinite time in the future." Paragraph 121 states: "As a direct and proximate result of the Defendants' careless, negligent, wanton and reckless misconduct as described aforesaid, Plaintiff, Tara M. MacKenzie, was forced to undergo medical treatment and to incur medical expenses which she otherwise would not have incurred."

There can be no doubt that Plaintiff Mother suffered an impact during the delivery of decedent, Aaron J. MacKenzie. Moreover, the tort was not completed until the delivery. Since Plaintiff Mother suffered a physical touching, an impact during the delivery of her child, she may recover for her severe emotional distress. This conclusion was stated explicitly by Chief Justice Nix in ***Amadio v. Levin***, 509 Pa. 199, 501 A. 2d 1085 (1986). There is no question as to the mother's right to recover for the emotional distress. The trauma was to her body, thus under the impact rule emotional distress resulting therefrom is unquestionably recoverable. ***W. Prossr & W. Keeton, The Law of Torts***, (54 at 362-63 (5th ed. 1984)); Restatement (second) of Torts, 456 (1965).

Plaintiff Father, on the other hand, has not sufficiently set forth a claim in Count IX of the Complaint for negligent infliction of emotional distress. If the actor's conduct is negligent as creating an unreasonable risk of causing either bodily harm or emotional disturbance to another, and it results in such emotional disturbance alone, without bodily harm or other compensable damage, the actor is not liable for such emotional disturbance. Restatement (Second) of Torts §436A. "Symptoms of severe depression, nightmares, stress and anxiety, requiring psychological treatment, and ongoing mental, physical and emotional harm" sufficiently stated physical manifestations of emotional suffering to sustain a cause of action. ***Love v Cramer***, supra.

Paragraph 125 of Plaintiff Father's Complaint states: "As a direct and proximate result of the Defendants' careless and negligent conduct causing injury to Plaintiffs' decedent, Aaron J. MacKenzie and the Plaintiff, Christopher T. MacKenzie's direct observation, Plaintiff, Christopher T. MacKenzie, has suffered great mental anguish and suffering, severe emotional distress and shock to his nervous system which he will continue to suffer for an indefinite period of time." Unlike Plaintiff Mother, Plaintiff Father has not pleaded any bodily harm as a result of the incident. While Plaintiff Father may have suffered an emotional disturbance witnessing the labor and delivery of his son, he has not directly suffered bodily harm. Plaintiff Father must be more specific in his pleading to sustain a cause of action. His emotional disturbance seems to be a natural result of witnessing the labor and delivery of his son. Therefore, Plaintiff Father has not pleaded ample physical manifestations for the claim and therefore Plaintiff Father will have 20 days after the filing of this opinion to plead again.

***Motions to Strike or Amend***

Defendant Lock Haven Hospitals' next Preliminary Objection asks this Court to Strike or Amend claims set forth in Counts IV-IX of Plaintiff's Complaint for lack of specificity.

Pennsylvania Rule of Civil Procedure 1019 requires that the material facts on which a cause of action or defense is based shall be stated in a concise and summary form. In order to successfully survive a challenge pursuant to 1019(a), the allegations of a Complaint must contain averments of the facts that the Plaintiff eventually will have to prove in order to recover, and they must be "sufficiently specific so as to enable defendant to prepare his defense." ***Baker v. Rangos***, 229 Pa. Super. 333, 350, 324 A.2d 498, 506 (1974) citing ***Commonwealth Environmental Pollution Strike Force V. Jeanette***, 9 Pa. Cmwlth. 306, 308, 305 A.2 774, 776 (1973).

The specific paragraphs of Plaintiff's Complaint that Defendant objects to are 95(a), (c), (d), (e), (f), (g), (h), (I), (j), (l), (m), (o), 101, 104, 105(a) – (d), and (g). A more specific pleading should never be required as to matters about which the objecting party has, or should have, as much or better knowledge than the Plaintiffs. ***Paz v. Commonwealth, Dept. of Corrections***, 135 Pa. Cmwlth. Ct. 162, 580 A.2d 452 (1990).[1] Plaintiffs have alleged in their Complaint, at paragraphs 15 through 71 detailed allegations concerning the medical care rendered by the Defendant to Plaintiffs. Moreover, Plaintiffs have set forth allegations against Defendant, Lock Haven Hospital in Counts IV-IX. Plaintiffs' allegations are sufficient to permit the Defendants to prepare their response to the allegations of negligence.

In ***Zaborowski v. Esper***, 72 Erie Co.L.J. 194 (1990), the Court held that the plaintiff's burden to be precise is diminished when a defendant has significantly more or exclusive knowledge of the facts. In a medical malpractice action, a defendant is likely to possess greater knowledge and understanding of the importance of what actually occurred in the care provided to the plaintiff. Plaintiff's Complaint does provide Defendant with an adequate amount of information to answer the Complaint as required by the Pennsylvania Rules of Civil Procedure.

In the case at bar, Plaintiff's Complaint is 29 pages in length containing 125 numbered paragraphs. The facts giving rise to the lawsuit are set forth in detail in paragraphs 15-71. Moreover, paragraph 95 of Plaintiffs' Complaint contains 15 allegations of negligence against Defendant, Lock Haven Hospital. A cursory review of Plaintiffs' Complaint reveals that most of the material facts are stated at length so that the Defendant should have no difficulty in filing a responsive answer.

However, this Court agrees with Defendant that paragraph 95 (a), (j), and 105 with the exception of 105(e) and (f), lack specificity and will be granted 20 days to amend the Complaint. For instance, Plaintiffs must be more specific in Paragraphs 95 (a), 105 (b) and (g) by giving the Hospital notice as to what adequate nursing care would have been or what the nurses should have done to provide adequate nursing care. In 95(j), Plaintiff must be more specific when they refer to appropriate medical specialists. Paragraph 101 lacks the requisite specificity in that it does not indicate who should be supervised and monitored and how these

[1] Citing the following cases: ***Hock v. L.B. Smith, Inc.***, 69 D&C 2d 420 (1974); ***Mikula v. Harrisburg Polyclinic Hospital***, 58 D&C 2d 125 (1971), citing, ***Hassler v. Saracena***, 60 Dauphin 237 (1949).

persons should be supervised and monitored. Finally, Paragraph 105 (c) and (d) must be more specific as to which rules, regulations and procedures Plaintiffs are referring.

Therefore, Defendant Lock Haven Hospital's Preliminary Objection, asking the Court to Strike or Amend Plaintiff's Complaint for lack of specificity is granted as to Paragraphs 95(a), (j), 101 and 105, except (e) and (f). Plaintiffs will have 20 days to amend Complaint.

Defendants, Dr. Gabinskiy's, and Geisinger's Preliminary Objections also ask the Court to strike non-specific allegations of agency in paragraphs 75, 76 and 81 of Plaintiffs' Complaint or Order Plaintiffs to do a more specific pleading. Plaintiffs have identified with particularity in paragraph 76 some of the individuals that were the borrowed servants of the Defendants: Beverly Rauch, R.N., Roberta Chubb, R.N., Susan McGill, R.N., and Judy Marback. These same individuals were further identified in paragraph 46, 74 and 94. The failure of Plaintiffs to more specifically identify all agents of the Defendants who treated the Plaintiffs is due to the inability to ascertain the names of all such persons.

Discovery is necessary to more specifically identify all of the hospital employees involved in the medical care rendered to the Plaintiffs. However, Plaintiff's allegations are sufficient to permit the Defendants to prepare their response to the allegations of negligence. ***Clark v. Easton Hospital***, CCP, Northampton County, No. 1999-C-492 and ***Rose v. Easton Hospital***, CCP, Northampton County, No. 1999-C-7622.

In ***Rose***, the Court held that in a medical malpractice action the conduct of the agent giving rise to liability must be alleged. Where a Motion for a more specific pleading of agency is made and "where the precise details sought by the defendant are equally or more

within the knowledge of the objecting party, discovery is the more appropriate avenue." ***Rose*** at 3.

In our case, Plaintiffs have obtained medical records from Defendant Lock Haven Hospital, yet many of the signatures in the records are illegible and some of the employees of the Defendants are not mentioned in the hospitalization records. Under such circumstances, Plaintiffs have alleged agency with sufficient specificity as required by Pa.R.C.P. 1019(a) and discovery is the appropriate avenue for the Defendants to obtain more information.

Therefore, it is this Court's determination that Plaintiffs' allegations of Agency are sufficient. Defendant Boris Gabinskiy, M.D., and Geisinger Clinic's Preliminary Objection will be denied.

***Motion to Strike Reference to $50,000***

Defendant Lock Haven Hospital's Preliminary Objection asks this Court to strike Plaintiff's reference requesting damages in excess of Fifty Thousand Dollars ($50,000). Pursuant to Lycoming County R.C.P. L.1301, the limit for mandatory arbitration is Twenty-Five Thousand Dollars ($25,000) and therefore the figure of Fifty Thousand Dollars ($50,000) will be stricken from the Complaint, allowing Plaintiffs 20 days to amend.

***Motion to Strike Punitive Damages Claim***

Defendants', Dr. Gabinskiy's, and Geisinger's final Preliminary Objections to Plaintiffs' Complaint ask this Court to strike the Punitive Damages claim in the wherefore clauses after paragraphs 79 and 85 of Plaintiffs' Complaint and allegations of reckless and wanton conduct in paragraphs 77, 83, 120, 121 and 124.

The Healthcare Services Malpractice Act (40 P.S. § 1301.812-A(a)), provides in pertinent part, that "Punitive damages may be awarded for conduct that is the result of the health care provider's willful or wanton conduct or reckless indifference to the rights of others." For conduct to be reckless, it must be such as to evince disregard of, or indifference to, consequences involving danger to life or safety of others, although no harm was intended. (Black's Law Dictionary 1270 (6th ed. 1990). In assessing punitive damages, the trier of fact may consider the character of the tortfeasor's act, the nature and extent of his victim's harm and the wealth of the tortfeasor. (Restatement (Second) of Torts sec. 908(1)).

The purpose of punitive damages is to punish outrageous and egregious conduct done in a reckless disregard of another's rights. It serves as a deterrence as well as a punishment. ***Althaus v. Cohen***, 710 A.2d 1147, 1159 (Pa. Super. 1998). Plaintiffs have alleged facts that amply demonstrate Dr. Gabinskiy's conduct amounted to a knowing indifference to the safety of Aaron J. MacKenzie. Paragraph 77(a) states Dr. Gabinskiy was, "reckless and wanton" in using greatly excessive force with vacuum extractor and forceps to deliver plaintiffs' decedent when he knew that it would cause injury to Plaintiffs' decedent." In paragraph 77(c), Plaintiffs alleged that Dr. Gabinskiy used such excessive force so as to cause fracture of the Plaintiffs' Decedent's right humerus. Paragraph 77(f) states Dr. Gabinskiy was, "reckless and wanton in continuing to manage the labor and delivery of Plaintiff's decedent, Aaron J. MacKenzie when he knew that he did not have sufficient experience to safely deliver Plaintiff's decedent." Paragraph 77(g) asserts Dr. Gabinskiy applied excessive force with the forceps and extractor knowing the child would be injured. Additionally, in paragraph 77(n), Plaintiff's allege that Dr. Gabinskiy knew he did not have sufficient experience to utilize

forceps and vacuum extractor in this case. These allegations are replicas as to Geisinger in paragraph 89. Taken together with the factual allegations in the Complaint, paragraphs 50-60, Plaintiffs have alleged sufficient facts to support a claim for punitive damages. Therefore, Defendant's Preliminary Objection to these claims will be denied.

***ORDER***

It is hereby ordered that Defendant Lock Haven Hospital's Preliminary Objection in the nature of a demurrer relating to Plaintiff Mother's negligent infliction of emotional distress claim is DENIED. Defendant Lock Haven Hospital's Preliminary Objections to Plaintiff Father's negligent infliction of emotional distress claim, claims of lack of specificity of Paragraphs 95(a), (j) and 101 and 105 (except (e) and (f), and motion to strike reference to the claim for $50,000.00 are GRANTED. Defendant Dr. Gabinskiy's and Geisinger's Preliminary Objections, to strike non-specific allegations of agency and punitive damages are DENIED. Plaintiffs shall have a period of twenty days after notice of this Order in which to file an amended complaint.

BY THE COURT:

William S. Kieser, Judge

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