

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 43 WAP 2017

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November 17, 2019

## CAPTION

Barbara A. Dittman, Gary R. Douglas, Alice Pastirik, Joann Decolati, Tina Sorrentino, Kristen Cushman and Shannon Molyneaux, individually and on behalf of all others similarly situated, Appellants

v.

UPMC d/b/a The University of Pittsburgh Medical Center, and UPMC McKeesport, Appellees

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-20-2018 April 10, 2018

Case Category: Civil Case Type(s): Other

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

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Receive Mail: Yes

Representing: Barbara A. Dittman, et al., Appellant

Pro Se: No

IFP Status:

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Representing: Barbara A. Dittman, et al., Appellant

Pro Se: No

IFP Status:




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**COUNSEL INFORMATION**


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 Pro Se: No  
 IFP Status:

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 Receive EMail: Yes Email:  
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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:  
 Representing: UPMC McKeesport, Appellee  
 Pro Se: No  
 IFP Status:

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 Receive EMail: Yes Email:  
 Representing: UPMC, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: UPMC McKeesport, Appellee  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney: Beck, James Michael  
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 Representing: Pennsylvania Defense Institute, Amicus Curiae  
 Pro Se: No  
 IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered January 12, 2017 at No. 971 WDA 2015, affirming the Order of the Court of Common Pleas of Allegheny County entered May 28, 2015 at No. GD14-003285.

Probable Jurisdiction Noted: Docketed Date: September 12, 2017

Allocatur/Miscellaneous Granted: September 12, 2017 Allocatur/Miscellaneous Docket No.: 149 WAL 2017

Allocatur/Miscellaneous Grant Order: AND NOW, this 12th day of September, 2017, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by Petitioners are:

a. Does an employer have a legal duty to use reasonable care to safeguard sensitive personal information of its employees when the employer chooses to store such information on an internet accessible computer system?

b. Does the economic loss doctrine permit recovery for purely pecuniary damages which result from the breach of an independent legal duty arising under common law, as opposed to the breach of a contractual duty?

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 971 WDA 2015

Date of Order: January 12, 2017 Rearg/Recon Disp Date: March 20, 2017

Rearg/Recon Disposition: Denied

Judge(s): Olson, Judith F.  
 Stabile, Victor P.  
 Musmanno, John L.

Intermediate Appellate Court Action: Order Affirmed.

Referring Court:

## AGENCY/TRIAL COURT INFORMATION

Court Below: Allegheny County Court of Common Pleas

County: Allegheny Division: Allegheny County Civil Division

Date of Agency/Trial Court Order: May 28, 2015

Docket Number: GD14-003285

Judge(s): Wettick, R. Stanton, Jr. OTN:

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Order Type: Order

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	September 14, 2017	1 Part and Superior Court Opinion
Transcript(s)	September 14, 2017	1 Transcript

Record Remittal: December 10, 2018

## BRIEFING SCHEDULE

## Amicus Curiae

Pennsylvania Defense Institute

## Brief

Due: November 27, 2017 Filed: November 27, 2017

## Appellee

UPMC &amp; UPMC McKeesport, et al.

## Brief

Due: November 27, 2017 Filed: November 27, 2017

## Appellant

Barbara A. Dittman, et al.

## Brief

Due: October 24, 2017 Filed: October 24, 2017

## Reply Brief

Due: December 26, 2017 Filed: December 26, 2017

## Reproduced Record

Due: October 24, 2017 Filed: October 24, 2017

## REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:

Disposition:

Date:

Reargument Order:

Record Remittal: December 10, 2018

## SESSION INFORMATION

Journal Number: J-20-2018  
 Listed/Submitted Date: April 10, 2018  
 Consideration Type: Oral Argument Supreme Ct.

## DISPOSITION INFORMATION

Related Journal No: Judgment Date: November 21, 2018  
 Category: Decided Disposition Author: Baer, Max  
 Disposition: Vacated/Remanded Disposition Date: November 21, 2018  
 Dispositional Filing: **Majority Opinion** Author: Baer, Max  
 Filed Date: November 21, 2018



## DISPOSITION INFORMATION

Justice:	Donohue, Christine	Vote:	Did Not Participate in
			Consid/Decision of Case
Justice:	Dougherty, Kevin M.	Vote:	Join Majority Opinion
Justice:	Wecht, David N.	Vote:	Join Majority Opinion
Justice:	Mundy, Sallie	Vote:	Join Majority Opinion
Dispositional Filing:	<b>Concurring/Dissenting Opinion</b>	Author:	Saylor, Thomas G.
Filed Date:	November 21, 2018		
Justice:	Todd, Debra	Vote:	Join Concurring and Dissenting Opinion

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>September 12, 2017</b>	<b>Allocatur Granted</b>		Per Curiam
Comments:			
AND NOW, this 12th day of September, 2017, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by Petitioners are:			
a. Does an employer have a legal duty to use reasonable care to safeguard sensitive personal information of its employees when the employer chooses to store such information on an internet accessible computer system?			
b. Does the economic loss doctrine permit recovery for purely pecuniary damages which result from the breach of an independent legal duty arising under common law, as opposed to the breach of a contractual duty?			
<b>September 14, 2017</b>	<b>Superior Court Record Received</b>		Superior Court of Pennsylvania
<b>September 27, 2017</b>	<b>Designation of Contents of Reproduced Record</b>	Appellant	Barbara A. Dittman, et al.
<b>October 24, 2017</b>	<b>Appellant's Brief</b>	Appellant	Barbara A. Dittman, et al.
<b>October 24, 2017</b>	<b>Appellant's Reproduced Record Filed</b>	Appellant	Barbara A. Dittman, et al.
<b>November 27, 2017</b>	<b>Amicus Curiae Brief</b>	Amicus Curiae	Pennsylvania Defense Institute
<b>November 27, 2017</b>	<b>Appellee's Brief</b>	Appellee Appellee	UPMC UPMC McKeesport
<b>December 6, 2017</b>	<b>Application for Extension of Time to File Brief - First Request</b>	Appellant	Barbara A. Dittman, et al.



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 6, 2017	<b>Order Granting Application for Extension of Time to File Brief</b>		Vaskov, John A.
Comments: AND NOW, this 6th day of December, 2017, the application for extension of time is granted. The Appellant's Reply Brief shall be served and filed on or before December 26, 2017.			
December 6, 2017	<b>Order Exited</b>		Office of the Prothonotary
December 26, 2017	<b>Appellant's Reply Brief</b>	Appellant	Barbara A. Dittman, et al.
February 15, 2018	<b>Acknowledgement of Argument Notice</b> Barbara A. Dittman, et al.	Appellant	Del Sole, Joseph A.
February 22, 2018	<b>Praecepte for Appearance</b> Barbara A. Dittman, et al.	Appellant	Lynch, Gary F.
February 22, 2018	<b>Acknowledgement of Argument Notice</b> Barbara A. Dittman, et al.	Appellant	Etzel, Jamisen A.
February 22, 2018	<b>Acknowledgement of Argument Notice</b> Barbara A. Dittman, et al.	Appellant	Lynch, Gary F.
February 23, 2018	<b>Acknowledgement of Argument Notice</b> UPMC UPMC McKeesport	Appellee Appellee	Conti, John C. Conti, John C.
February 23, 2018	<b>Acknowledgement of Argument Notice</b> UPMC UPMC McKeesport	Appellee Appellee	Block, Megan Justine Block, Megan Justine
February 26, 2018	<b>Acknowledgement of Argument Notice</b> Barbara A. Dittman, et al.	Appellant	Stickman, William Shaw, IV
March 13, 2018	<b>Notice of Disclosure</b>		Office of the Prothonotary
March 23, 2018	<b>Notice of Disclosure</b>		Office of the Prothonotary
April 10, 2018	<b>Argued</b>		Supreme Court of Pennsylvania



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>November 21, 2018</b>	<b>Vacated/Remanded</b>		Baer, Max
<p>Comments:</p> <p>Accordingly, we vacate the judgment of the Superior Court, reverse the order of the trial court, and remand the matter to the trial court for further proceedings consistent with this opinion.</p> <p>Justices Dougherty, Wecht and Mundy join the opinion.</p> <p>Chief Justice Saylor files a concurring and dissenting opinion in which Justice Todd joins .</p> <p>Justice Donohue did not participate in the consideration or decision of this matter.</p>			
<b>November 21, 2018</b>	<b>Judgment Entered</b>		Office of the Prothonotary
<b>December 10, 2018</b>	<b>Remitted</b>		Office of the Prothonotary
<b>December 13, 2018</b>	<b>Acknowledgement of Record Remittal</b>		Allegheny County Civil Division

## CROSS COURT ACTIONS

Docket Number: 149 WAL 2017  
Docket Number: 971 WDA 2015