



CAPTION

In Re: David L. Hockenberry, an Incapacitated Person

Appeal of: Myrl I. and Vada B. Hockenberry, (Guardians)

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Active

Journal Number:

Case Category: Civil Case Type(s): Other

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
327 MAL 2009	Related
Same Record Below	
In Re:Hockenberry, D:Pet. of: Myrl & Vada (parents)	

COUNSEL INFORMATION

Attorney: Christopher Steven Lucas, Esq.
Christopher S. Lucas & Associates

Address: Johnson Duffie ET AL
301 Market St
Lemoyne, PA 17043

Phone No: (717) 761-4540

Representing: Myrl & Vada Hockenberry, Appellant

Pro Se: No

IFP Status:

Attorney: Howard C. Ulan, Esq.

Address: Dept Of Public Welfare
Health & Welfare Building, 3rd Floor
Harrisburg, PA 17120

Phone No: (717) 787-6398

Representing: Ebensburg Center, Appellee

Pro Se: No

IFP Status:

Attorney: Jane Adams, Esq.
Jane Adams Attorney At Law

Address: 17 West South St
Carlisle, PA 17013

Phone No: (717) 245-8508

Representing: Hockenberry, David, Appellee

Pro Se: No

IFP Status:



COUNSEL INFORMATION

Attorney: James Clark Munro, Esq.
 Spence, Custer, Saylor, Wolfe & Rose
 Address: P.O. Box 280
 Johnstown, PA 15907-0280
 Phone No: (814) 536-0735
 Representing: Memorial Hospital, Appellee
 Pro Se: No
 IFP Status:

Attorney: Howard C. Ulan, Esq.
 Address: Dept Of Public Welfare
 Health & Welfare Building, 3rd Floor
 Harrisburg, PA 17120
 Phone No: (717) 787-6398
 Representing: Department of Public Welfare, Participants
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Ord of Sup Ct at No336MDA2008 dated 02-10-2009 affirming the ord of the Cumb Co CCP, at No. 2002-0093 dated 01-24-2008.

Probable Jurisdiction

Noted: Docketed Date: December 1, 2009

Allocatur Granted: December 1, 2009 Allocatur Docket No: 327 MAL 2009

Allocatur Grant Order: AND NOW, this 1st day of December, 2009, the Petition for Allowance of Appeal is GRANTED. The issue, reframed for clarity, is:

Whether plenary guardians have the authority to decline potentially life-sustaining treatment for a lifelong incapacitated person who is not suffering from an end-stage medical illness or is in a permanent vegetative state.

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 336 MDA 2008
 Date of Order: February 10, 2009 Rearg/Recon Disp Date: April 16, 2009
 Rearg/Recon Disposition: Denied.

Judge(s): Lally-Green, Maureen
 Gantman, Susan Peikes
 Allen, Cheryl Lynn

Intermediate Appellate Court Action: Affirmed

Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Cumberland County Court of Common Pleas
 County: Cumberland Division: Cumberland County Orphan's Court
 Date of Agency/Trial Court Order: January 24, 2008
 Order Type: Order



OTN(s):

Lower Ct Docket No(s): 2002-00293

Lower Ct Judge(s): Bayley, Edgar B.
President Judge**ORIGINAL RECORD CONTENT**

Original Record Item	Filed Date	Content/Description
Parts	December 03, 2009	contains 1 part & 1 transcript combined

Record Remittal:**BRIEFING SCHEDULE**

Appellant	Appellee
Myrl & Vada Hockenberry	Ebensburg Center
Brief	Brief
Due: January 12, 2010	Filed:
Reply Brief	Hockenberry, David
	Brief
Reproduced Record	Memorial Hospital
Due: January 12, 2010	Filed:
	Brief

DOCKET ENTRY

Filed Date	Docket Entry/Document Name	Participant Type	Filed By
December 1, 2009	Allocatur Granted		Per Curiam

Comments:

AND NOW, this 1st day of December, 2009, the Petition for Allowance of Appeal is GRANTED. The issue, reframed for clarity, is:

Whether plenary guardians have the authority to decline potentially life-sustaining treatment for a lifelong incapacitated person who is not suffering from an end-stage medical illness or is in a permanent vegetative state.

December 3, 2009	Superior Ct. Record Received	Superior Court of Pennsylvania
-------------------------	-------------------------------------	--------------------------------

CROSS COURT ACTIONS

Docket Number:	327 MAL 2009
Docket Number:	336 MDA 2008