

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION**

JOHN R. GREGG, M.D. and VINCENT J. : December Term, 2000
DiSTEFANO, M.D., on behalf of themselves : No. 03482
and all others similarly situated, :
Plaintiffs, :

Control No. 041875

v.

INDEPENDENCE BLUE CROSS, *et. al.* :
 :
Defendants. :

ROBERT P. GOOD, M.D., on behalf of : December Term, 2002
himself and all others similarly situated, : No. 00005
 : **(Lead Case)**
Plaintiffs, :

v.

INDEPENDENCE BLUE CROSS, *et. al.* :
Defendants. :

PENNSYLVANIA ORTHOPAEDIC SOCIETY, : December Term, 2002
on behalf of its members and all other : No. 00002
similarly situated individuals, :
Plaintiffs, :

v.

INDEPENDENCE BLUE CROSS, *et. al.*, :
Defendants. :

ORDER

AND NOW, this 30th day of April 2004, upon consideration of Appellants the
Medical Society of the State of New York, the South Carolina Medical Association, the
Tennessee Medical Association, the Medical Society of New Jersey, Terrance R.

Malloy, M.D., Bruce Zakheim, M.D., and Joseph Fallon, M.D.'s Emergency Application for Supersedeas, it is **ORDERED** and **DECREED** that the Application is **Denied**.

BY THE COURT,

ALBERT W. SHEPPARD, JR., J.

Our Supreme Court has instructed that a court may grant a stay pending appeal where:

1. The petitioner makes a strong showing that he is likely to prevail on the merits.
2. The petitioner has shown that without the requested relief, he will suffer irreparable injury.
3. The issuance of a stay will not substantially harm other interested parties in the proceedings.
4. The issuance of a stay will not adversely affect the public interest.

Pennsylvania Public Utility Commission v. Process Gas Consumers Group, 502 Pa. 545, 552-53, 467 A.2d 805, 808-09 (1983); See also Maritrans G.P., Inc. v. Pepper, Hamilton & Scheetz, 524 Pa. 415, 420, 573 A.2d 1001, 1003 (1990); Insilco Corp. v. Rayburn, 374 Pa. Super. 362, 374, 543 A.2d 120, 126 (1988). Further, the decision to grant or deny a stay pending appeal is vested in the trial court's discretion. Insilco Corp., 374 Pa. Super. at 374, 543 A.2d at 126.

Here, the court finds that the petitioners have failed to satisfy the four criteria enunciated in Pennsylvania Public Utility Commission, *supra*. The petitioners have not demonstrated that they are likely to prevail on the merits, or that without the requested relief, they will suffer irreparable injury. In addition, the evidence of record indicates that the issuance of a stay would substantially harm other interested parties in the proceedings and would adversely affect the public interest. For these reasons, the court denies the Application.

BY THE COURT,

ALBERT W. SHEPPARD, JR., J.