

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

MELISSA EBERT	:	No. 38 EM 2021
	:	
	:	
v.	:	
	:	
	:	
C.R. BARD, INC.; BARD PERIPHERAL	:	
VASCULAR INC., A SUBSIDIARY AND/OR	:	
DIVISION OF C.R. BARD, INC.	:	
	:	
	:	
PETITION OF: UNITED STATES COURT	:	
OF APPEALS FOR THE THIRD CIRCUIT	:	

ORDER

PER CURIAM

AND NOW, this 5th day of August, 2021, the Petition for Certification of Questions of Law is GRANTED. The Court shall consider the following issues:

(1) Under Pennsylvania law, must a plaintiff bringing a negligent design claim against a prescription medical device manufacturer prove that the device was too harmful to be used by anyone, or may the plaintiff also prevail on other theories of liability where appropriate?

(2) Under Pennsylvania law, are prescription implantable medical devices categorically subject to strict liability, categorically immune from strict liability, or immune from strict liability on a case-by-case basis? If they are immune on a case-by-case basis, what test should a court apply to determine whether a particular device is immune?

Melissa Ebert is DESIGNATED as Appellant. C.R. Bard, Inc., and Bard Peripheral Vascular Inc. are DESIGNATED as Appellees.

The Prothonotary is DIRECTED to establish a briefing schedule and list this case for oral argument.