

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
CIVIL TRIAL DIVISION

BERTIE SUBER

v.

MICHAEL ROSENTHAL, M.D.

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NOVEMBER TERM, 1998

NO. 3792

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Myrna Field, J.

September , 2001

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**OPINION OF THE COURT**

Plaintiff, Bertie Suber, appeals from a jury verdict in favor of the defendant, Michael Rosenthal, M.D. Ms. Suber's action included both malpractice and battery claims. A jury trial commenced on June 11, 2001. At the close of testimony the malpractice claim was dismissed for lack of expert testimony. The matter was submitted to the jury on the battery issue alone. On June 13, 2001, the jury returned its verdict in favor of Dr. Rosenthal.

Following, following the entry of jury's verdict, plaintiff failed to file a motion for post-trial relief pursuant to Rule 227.1 of the Pennsylvania Rules of Civil Procedure. Hence, any issues which may have been raised at that time are deemed waived and are no longer appealable pursuant to Rule 302 of the Pennsylvania Rules of Appellate Procedure.

No issues having been preserved for appeal, judgment entered on behalf of the defendant on July 16, 2001, was proper and should be affirmed.

By the Court:

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Myrna Field, J.