

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Peter Vega v. Dr. Badick, et al.

Vega · No. 1:22-cv-00593 · Decided December 19, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania addresses several motions in Peter Vega’s prisoner civil rights and medical malpractice case. The court grants in part and denies in part defendant Shah’s motion to dismiss, dismissing Vega’s state-law negligence and malpractice claims for failure to file a certificate of merit while allowing his federal civil rights claim to proceed. The court denies the other defendants’ motion for judgment on the pleadings, denies Shah’s motion for summary judgment without prejudice, and deems several unsupported motions withdrawn.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Malachy E. Mannion
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 19, 2025
DOCKET	1:22-cv-00593
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action involving federal deliberate-indifference claims and Pennsylvania negligence or malpractice claims. Defendant Shah moved to dismiss and for summary judgment; the remaining defendants moved for judgment on the pleadings based on the alleged failure to file certificates of merit; other motions were also pending.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations as true, construes the complaint in the plaintiff’s favor, disregards legal conclusions, and determines whether the alleged facts plausibly state a claim for relief. A Rule 12(c) motion is evaluated under a similar standard, with judgment appropriate only when no material issue of fact remains and the movant is entitled to judgment as a matter of law. A Rule 56 motion must comply with M.D. Pa. Local Rule 56.1, including submission of a separate statement of material facts.

PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court with no published reporter citation identified.
PARTIES	Peter Vega v. Dr. Badick, Bora Saikia, Loscalzo, Williams, O'Brien, Shah

TOPICS

[motions to dismiss](#)
[motion for judgment on the pleadings](#)
[summary judgment](#)
[civil rights](#)
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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the remaining defendants were entitled to judgment on the pleadings because Vega failed to file certificates of merit.
2. Whether Shah was entitled to dismissal of Vega's Pennsylvania negligence and malpractice claims for failure to file a certificate of merit specific to Shah.
3. Whether Shah was entitled to dismissal of Vega's federal deliberate-indifference claim for failure to file a certificate of merit.
4. Whether Shah's motion for summary judgment should be considered when he failed to file the statement of material facts required by M.D. Pa. Local Rule 56.1.
5. Whether unsupported pending motions should be deemed withdrawn under M.D. Pa. Local Rule 7.5.

HOLDINGS

1. The motion for judgment on the pleadings was denied because the defendants did not comply with Pennsylvania Rule of Civil Procedure 1042.7's notice requirement before seeking dismissal.
2. Shah's motion to dismiss was granted as to Vega's state-law negligence and malpractice claims because Vega failed to file a separate certificate of merit as to Shah.
3. Shah's motion to dismiss was denied to the extent it sought dismissal of Vega's federal civil-rights claim because a certificate of merit is not required for a deliberate-indifference claim based on violation of federal constitutional rights.
4. Shah's motion for summary judgment was summarily denied without prejudice because it lacked the statement of material facts required by M.D. Pa. Local Rule 56.1.
5. Shah's motion to strike and Vega's motions for protection and injunctive relief were deemed withdrawn because the movants failed to file supporting briefs within the time required by the local rule.

KEY QUOTATIONS

“A certificate of merit is required for state law claims; claims of deliberate indifference to a serious medical need in violation of a plaintiff's federal constitutional rights do not require a certificate of merit.” (at 10)

“Rule 1042.3 requires a separate certificate of merit to be filed as to each defendant the plaintiff is suing.” (at 11)

FACTUAL BACKGROUND

Vega alleges that defendants were deliberately indifferent to, and committed malpractice in treating, his liver, kidney, and stomach conditions. Vega filed certificates of merit in June 2022, before Shah was added as a defendant in the amended complaint filed May 4, 2023. No separate certificate of merit was filed as to Shah.

PROCEDURAL HISTORY

Vega filed the action on April 22, 2022, and later filed an amended complaint that remained operative. After two rounds of motions to dismiss, the court dismissed claims against several defendants but allowed claims against Badick, Bora Saikia, Loscalzo, Williams, O'Brien, and Shah to proceed. The remaining defendants answered. The court denied the motions for judgment on the pleadings, granted Shah's motion to dismiss in part as to state-law negligence and malpractice claims, denied it in part as to the federal civil-rights claim, denied Shah's summary-judgment motion without prejudice for failure to comply with the local rule requiring a statement of material facts, and deemed other unsupported motions withdrawn.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The court stated that it would set a deadline for filing dispositive motions in light of the closing of pleadings and discovery.

CASES CITED

- Fowler v. UPMC Shadyside, 578 F.3d 203, 210-11 (3d Cir. 2009)
- Phillips v. County of Allegheny, 515 F.3d 224, 231 (3d Cir. 2008)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Sause v. Bauer, 585 U.S. 957, 960 (2018)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Westport Ins. Corp. v. Black, Davis & Shue Agency, Inc., 513 F. Supp. 2d 157, 162 (M.D. Pa. 2007)
- Sikirica v. Nationwide Ins. Co., 416 F.3d 214, 220 (3d Cir. 2005)
- Zimmerman v. Corbett, 873 F.3d 414, 417 (3d Cir. 2017)
- Wolfington v. Reconstructive Orthopaedic Assocs. II PC, 935 F.3d 187, 195 (3d Cir. 2019)
- Mayer v. Belichick, 605 F.3d 223, 230 (3d Cir. 2010)
- Schmigel v. Uchal, 800 F.3d 113, 118-20, 124 (3d Cir. 2015)

- *Liggon-Redding v. Estate of Sugarman*, 659 F.3d 258, 264-65 (3d Cir. 2011)
- *Crawford v. McMillan*, 660 F. App'x 113, 116 (3d Cir. 2016)

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