

SUPERIOR COURT OF PENNSYLVANIA

Eric Brader, M.D. v. Allegheny Health Network and AHN Medical Group

2025 Pa. Super. 269 (Superior Court of Pennsylvania 2025) · No. 1164 WDA 2024 · Decided December 2, 2025

SUMMARY

The Pennsylvania Superior Court reviewed an interlocutory appeal concerning claims by emergency physician Eric Brader against Allegheny Health Network and AHN Medical Group. The court considered whether the Medical Care Availability and Reduction of Error Act incorporates the Whistleblower Law’s 180-day limitations period and whether the MCARE Act preempts a common-law wrongful-discharge claim based solely on the Act. The court reversed the trial court’s order denying summary judgment.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Bender, P.J.E.; Bowes, J.; Olson, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	December 2, 2025
DOCKET	1164 WDA 2024
DISPOSITION	reversed
PROCEDURAL POSTURE	Permission appeal from an interlocutory order denying appellants' motion for summary judgment in an action alleging retaliation under the MCARE Act and common-law wrongful discharge.
STANDARD OF REVIEW	Summary judgment is reviewed de novo with plenary scope; the record is viewed in the light most favorable to the nonmoving party, and summary judgment is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. Application of the coordinate jurisdiction rule is reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential Pennsylvania Superior Court opinion.
PARTIES	Allegheny Health Network, AHN Medical Group v. Eric Brader, M.D.

TOPICS

whistleblower

wrongful termination

statute of limitations

statutory interpretation

summary judgment

PRACTICE AREAS

employment law

health law

statutory interpretation

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the 180-day limitation period in the Pennsylvania Whistleblower Law applies to a retaliation claim brought under the MCARE Act.
2. Whether the MCARE Act preempts a common-law wrongful-discharge claim based solely on the public policy expressed in the MCARE Act.
3. Whether the coordinate jurisdiction rule permitted the later trial judge to depart from the prior trial judge's rulings on those legal issues.

HOLDINGS

1. The 180-day limitation period in 43 P.S. § 1424(a) applies to retaliation claims brought under 40 P.S. § 1303.308(c), because the MCARE Act incorporates the Whistleblower Law's protections and remedies. Brader's claim, filed more than 180 days after the alleged retaliatory action, was untimely.
2. The MCARE Act's statutory remedy preempts a common-law wrongful-discharge claim based solely on the MCARE Act. A plaintiff may not use a common-law claim to avoid the MCARE Act's statutory requirements, including its 180-day limitation period.
3. The coordinate jurisdiction rule did not require the later trial judge to follow the earlier rulings because the earlier rulings were clearly erroneous and following them would create a manifest injustice.

KEY QUOTATIONS

“Accordingly, we conclude that retaliation claims under the MCARE Act have the same 180-day statute of limitations as claims under the Whistleblower Law.” (at 22)

“Accordingly, because the MCARE Act affords a statutory remedy to Dr. Brader, we determine that the MCARE Act preempts his common law wrongful discharge claim based solely on the MCARE Act.” (at 32)

FACTUAL BACKGROUND

Eric Brader, an emergency physician employed by AHN Medical Group, reported that hospital practices requiring emergency physicians to communicate through residents contributed to a patient not being admitted and suffering permanent disability. After Brader emailed hospital administrators about the patient-safety problem, his working relationship with administration was allegedly damaged, he was assigned shifts at a less desirable hospital, and his administrative roles and approximately \$136,393 annual stipend were eliminated. He resigned in December 2015 after accepting employment with the Cleveland Clinic and filed suit in September 2017.

PROCEDURAL HISTORY

Dr. Brader filed claims under the MCARE Act and for common-law wrongful discharge after his administrative stipend and roles were eliminated following his report concerning patient-safety practices. The trial court overruled preliminary objections, later denied summary judgment, and denied certification for interlocutory appeal. The Superior Court granted permission to appeal and reversed the order denying summary judgment.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The order denying appellants' motion for summary judgment was reversed; the opinion states that appellants are entitled to summary judgment. Jurisdiction was relinquished.

CASES CITED

- Zane v. Friends Hospital, 836 A.2d 25 (Pa. 2003)
- Ivy Hill Congregation of Jehovah's Witnesses v. Department of Human Services, 310 A.3d 742 (Pa. 2024)
- Siciliano v. Mueller, 149 A.3d 863 (Pa. Super. 2016)
- Bailets v. Pennsylvania Turnpike Commission, 123 A.3d 300 (Pa. 2015)
- Kreiss v. Main Line Health, Inc., No. 1396 EDA 2018 (Pa. Super. filed May 29, 2019) (unpublished memorandum)
- Gillispie v. RegionalCare Hospital Partners, Inc., 2015 WL 1839149 (W.D. Pa. Apr. 21, 2015), aff'd, 892 F.3d 585 (3d Cir. 2018)
- Fisher v. Catholic Social Services, 2019 WL 3731688 (E.D. Pa. Aug. 8, 2019)
- Ursinus College v. Prevailing Wage Appeals Board, 310 A.3d 154 (Pa. 2024)
- Weaver v. Harpster, 975 A.2d 555 (Pa. 2009)
- Clay v. Advanced Computer Applications, Inc., 559 A.2d 917 (Pa. 1989)
- Denton v. Silver Stream Nursing and Rehabilitation Center, 739 A.2d 571 (Pa. Super. 1999)
- Jacques v. AKZO International Salt, Inc., 619 A.2d 748 (Pa. Super. 1993)
- Kroptavich v. Pennsylvania Power and Light Co., 795 A.2d 1048 (Pa. Super. 2002)
- Commonwealth v. Crowley, 605 A.2d 1256 (Pa. Super. 1992)
- Coryell v. Morris, 330 A.3d 1270 (Pa. Super. 2025) (en banc)
- Shick v. Shirey, 716 A.2d 1231 (Pa. 1998)
- Dale v. Children's Hospital of Philadelphia, 223 A.3d 705 (Pa. Super. 2019)
- Stewart v. FedEx Express, 114 A.3d 424 (Pa. Super. 2015)
- Mikhail v. Pennsylvania Organization for Women in Early Recovery, 63 A.3d 313 (Pa. Super. 2013)
- Donahue v. Federal Express Corp., 753 A.2d 238 (Pa. Super. 2000)
- Field v. Philadelphia Electric Co., 565 A.2d 1170 (Pa. Super. 1989)
- McLaughlin v. Gastrointestinal Specialists, Inc., 750 A.2d 283 (Pa. 2000)

- Javitz v. Luzerne County, 344 A.3d 505 (Pa. Cmwlth. 2025)
- Perry v. Tioga County, 649 A.2d 186 (Pa. Cmwlth. 1994)
- Bailer v. Shipley Energy Co., 338 A.3d 1026 (Pa. Super. 2025)
- Greco v. Myers Coach Lines, 199 A.3d 426 (Pa. Super. 2018)
- Commonwealth v. Brister, 16 A.3d 530 (Pa. Super. 2011)
- Commonwealth v. McMurren, 945 A.2d 194 (Pa. Super. 2008)
- Basile v. H&R Block, Inc., 973 A.2d 417 (Pa. 2009)

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