



Complaint demurring to the Plaintiffs' claims for mandamus and declaratory relief on November 12, 2019. The Honorable Paula Patrick overruled the Defendants' Preliminary Objections on January 7, 2020. The Defendants filed an Answer and New Matter to the Plaintiffs' Complaint on January 27, 2020, and the Plaintiffs filed a Reply to the Defendants' New Matter on February 14, 2020.

The Defendants later filed a Motion for Summary Judgment on June 21, 2021, averring that the Court did not have the authority to grant Plaintiffs' claims for mandamus or declaratory relief. The Plaintiffs also filed a Motion for Summary Judgment on July 2, 2021, averring that no genuine issue of material fact existed to be adjudicated at trial. The Plaintiffs filed an Answer to the Defendants' Motion for Summary Judgment on July 21, 2021, and the Defendants filed a Memorandum in opposition to Plaintiffs' Motion for Summary Judgment on August 2, 2021.

Both Plaintiffs' and Defendants' Motions for Summary Judgment were assigned to the Court on August 4, 2021. On October 15, 2021, the Court heard oral arguments relating to both Motions. After careful consideration of the evidence and arguments, the Court denied both parties' Motions on October 21, 2021. On November 19, 2021, the Defendants filed a Motion to Amend the Court's Order denying their Motion for Summary Judgment to certify the issues for Interlocutory Appeal. The Court also denied this Motion on November 29, 2021.

The Defendants then filed a Petition for Permission to Appeal in the Commonwealth Court on December 23, 2021 pursuant to Pa.R.A.P. 1311(a)(1). On February 9, 2022, the Commonwealth Court granted the Defendants' Petition and certified the following issues for appeal:<sup>3</sup>

1. Do parents as administrators of the estate have standing to seek court-ordered revision of the manner of their adult child's death where the harm they identify is the alleged

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<sup>3</sup> Taken *verbatim* from the Commonwealth Court's February 9, 2022 Order.

stigma of suicide, the forestalling of any further investigation into the death, and the effective bar to bringing a potential lawsuit including a wrongful death action?

2. Is mandamus and/or declaratory relief available to compel revision of a medical examiner's opinion as to the manner of death stated on a death certificate?

#### FACTS<sup>4</sup>

On January 26, 2011, Ellen Greenberg was found dead in her apartment, having been killed by 20 stab wounds. The autopsy report reflected that the stab wounds were inflicted to her chest, abdomen, head, and neck. Numerous stab wounds were found to have been inflicted to the back of her neck, including an 8-centimeter-deep wound that extended through the neck muscles, penetrating the occipital triangle into the ligamentum nuchae and causing a subarachnoid hemorrhage over the vermis and the right cerebellar hemisphere, and another wound penetrating between the second and third cervical vertebrae and incising the dura covering the spinal cord. Greenberg was found with a 12.5-inch serrated knife embedded 10 centimeters into her chest. The Defendant **Dr. Marlon Osbourne** performed the autopsy the following day on **January 27, 2011**, determined that **the manner of death was homicide**, and issued a death certificate reflecting his findings.

On **February 18, 2011**, the **Philadelphia Police Department** declared that the death of Ellen Greenberg had been ruled a **suicide**. On April 4, 2011, the Defendant **Marlon Osbourne** formally **amended** the manner of death on Ellen Greenberg's death certificate **from homicide to suicide**.

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<sup>4</sup> While the Defendants presented numerous exhibits in support of its Motion, the Defendants' argument in support of Summary Judgment was 1) that the Plaintiffs had standing to bring the action and 2) that mandamus and/or declaratory relief was unavailable to the Plaintiffs. The Defendants' Motion mirrored their November 12, 2019 preliminary objections demurring to the Plaintiff's Complaint. The Defendants' argument did not hinge on any alleged facts, but rather made its case based on the law. Accordingly, the Court considered the facts of the case holistically, drawing from the allegations in the Complaint and its Exhibits, the denials in the Defendants' Answer, and the evidence presented to the Court in both parties' Motions for Summary Judgment and attendant Answers.

Sam Goldberg was Greenberg's fiancé and lived with her on or about the time of her death. On the day Greenberg's body was found, Goldberg reported to the police that he had come back from the gym to find their apartment door locked with the solid safety bar latch engaged (i.e. locked). Goldberg further reported that Greenberg would not answer his calls or texts, so he asked the building security guard to help break down the door. Goldberg further reported that the security guard was present when he broke down the door and found Greenberg in the kitchen.

In support of the Plaintiffs' Motion for Summary Judgment, Plaintiffs presented an **affidavit from Philip Hanton**, the building security guard who was on duty at the time Greenberg's body was discovered.<sup>5</sup> Hanton states in his affidavit that he was the only person working as a security guard or front desk clerk on the afternoon and evening of January 26, 2011. Hanton also states that he did not accompany Goldberg to the apartment or observe him break down the door. Hanton further states that he never saw anything Goldberg did on the sixth floor, never entered the apartment, and never saw Greenberg's body.

The Plaintiffs also presented **video from the building's lobby security camera corroborating Hanton's statements**. The video appears to confirm that neither Hanton nor anyone else accompanied Goldberg to the apartment prior to the arrival of emergency services.

In addition, the Plaintiffs presented a **photograph of the door latch** that was reportedly engaged when Goldberg arrived at the apartment. In the picture, the safety latch consists of a solid bar that is attached to the door frame, and a second piece attached to the door. **The piece**

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<sup>5</sup> The Court notes that the Defendants objected to the introduction of the affidavit as evidence pursuant to the Nanty-Glo rule, which holds that summary judgment (or directed verdict) may not be granted solely on the testimony of the moving party's testimony or that of its witnesses. Borough of Nanty-Glo v. American Surety Co. of New York, 163 A.523 (Pa. 1932). However, Nanty-Glo does not weigh on admissibility, and the Defendants' objection lacked merit.

**attached to the door forms into a bulb that is wider than the safety latch such that it could not disengage unless the door were closed.**<sup>6</sup> When viewing the photograph as a whole, one can only infer that, if Greenberg's door were forcibly entered (as Goldberg claimed), then at least one of the two latch pieces on either the door or the door frame would have broken off completely. However, on the contrary, the photograph shows that the latch piece on the door frame appears to be completely intact and undamaged, while the latch on the door remains anchored to the door.

The Plaintiffs also presented the **deposition** of the Defendant, **Marlon Osbourne**. As previously mentioned, Osbourne initially concluded from Greenberg's wound patterns that the manner of her death was homicide. In his deposition, Osbourne testified that the primary factors that led him to amend Greenberg's manner of death from homicide to suicide included: 1) information from the Police that the security guard on duty corroborated Goldberg's claim that the guard witnessed Goldberg break down the door to enter the apartment, 2) that Dr. Rorke conducted an informal "curbside examination" of the decedent's spinal injury, and 3) the apparent lack of defensive wounds.<sup>7</sup> However, even though Osbourne amended his opinion, he noted that the autopsy of the decedent and the "unique wound pattern" weighed toward homicide.<sup>8</sup>

Osbourne further testified that he would not have amended Greenberg's death certificate to indicate that she committed suicide if there were a question about whether Goldberg were actually accompanied by the security guard he claimed witnessed him break down the door, or about whether the lock was engaged when Greenberg was found.<sup>9</sup> Osbourne explained that he

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<sup>6</sup> See Exhibit 3 attached to the Plaintiffs' Motion for Summary Judgment, filed July 2, 2021.

<sup>7</sup> Deposition of Marlon Osbourne, Notes of Testimony April 22, 2021 pg. 142.

<sup>8</sup> Id. at 88.

<sup>9</sup> Id. at 93.

initially got the impression that Goldberg had broken down the door because an investigator, Stephen Olszewski, told him so.<sup>10</sup> Osbourne also stated that he had met with representatives from the Philadelphia Police and the District Attorney's Offices a week before he amended Greenberg's death certificate, and they told him that Philip Hanton (the security guard on duty on January 26, 2011) witnessed Goldberg break down the door.<sup>11</sup> Osbourne testified that he had not decided whether to amend Greenberg's death certificate to reflect that she committed suicide prior to meeting with the police, and that he did not independently investigate any information relating to the crime scene investigation.<sup>12</sup> Neither did Osbourne reenact the wounds, examine their angles, nor measure the length of Greenberg's arms or fingers to determine whether it was even physically possible for Greenberg to have administered the wounds herself.<sup>13</sup> However, Osbourne said himself that **it would have been incorrect for him to have designated Greenberg's death as a suicide if it could be established that one or more of her wounds could not have been self-inflicted.**<sup>14</sup>

Lastly, Osbourne testified that he requested that **Dr. Rorke** (a neuropathologist) evaluate the decedent's injury to the dura covering her spinal cord.<sup>15</sup> According to Osbourne, Rorke had always previously generated reports for him whenever she evaluated an autopsy, but in this case, she did not generate a report (i.e. that normally would have been helpful in his assessment) relating to Greenberg's evaluation.<sup>16</sup> Instead, Rorke only performed a "curbside examination" on Greenberg that did not involve any histologic or microscopic examination.<sup>17</sup>

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<sup>10</sup> Id. at 80.

<sup>11</sup> Id. at 73-75.

<sup>12</sup> Id. at 73-75, 91.

<sup>13</sup> Id. at 50-52.

<sup>14</sup> Id.

<sup>15</sup> Id. at 57-58.

<sup>16</sup> Id. at 59-60.

<sup>17</sup> Id.

## DISCUSSION

### I. THE PLAINTIFFS HAVE STANDING AS ADMINISTRATORS OF THE DECEDENT'S ESTATE TO SEEK REVISION OF THE MANNER OF DEATH ON THE DEATH CERTIFICATE.

In order to have standing, a party must have a substantial interest in the subject matter of the litigation, and the interest must be direct and immediate and not a remote consequence. Beers v. Unemployment Compensation Board of Review, 633 A.2d 1158, 1161 (Pa. 1993); see also William Penn Parking Garage, Inc. v. City of Pittsburgh, 346 A.2d 269 (Pa. 1975) (requiring pecuniary interest). The Defendants claim that the Plaintiffs have not established that they have standing to bring the current action for several reasons. First, the Defendants contend that Plaintiffs' claim of societal stigma of suicide is insufficient to establish standing. Second, Defendants contend that the Plaintiffs' interest in reopening the investigation into Greenberg's death and their desire to find her killer are too speculative to confer standing. Thirdly, the Defendants argue that the prejudice the Plaintiffs would suffer in a wrongful death action from a death certificate reflecting suicide is minimal and speculative.

Relating to the Defendants' first two contentions, the Court agrees. For one thing, the social stigma of suicide, in and of itself, is insufficient to establish standing. Nader v. Hughes, 643 A.2d 747, 750 (Pa. Commw. 1994). A second reason is that the Plaintiffs' interest in reopening the investigation into Greenberg's death and their desire to find her killer are speculative and violate "the principle that judicial intervention is appropriate only when the underlying controversy is real and concrete." Pittsburgh Palisades Park, LLC v. Commonwealth, 888 A.2d 655, 659 (Pa. 2005). A third reason is that, regardless of any factual determination about whether Greenberg died via homicide, there is no guarantee that the Philadelphia Police Department, the Philadelphia District Attorney, or the Pennsylvania Office of the Attorney General will reopen the case or

pursue her killer. Lastly, it is questionable whether the deceased Plaintiff has a right to “justice.” For these reasons, the Defendants are correct when they allege that the Plaintiffs’ first two grounds giving them standing are insufficient.

HOWEVER, the Court believes that the Plaintiffs’ third ground may give them standing to bring the current action. Relating to this ground, the Plaintiffs correctly assert that Greenberg’s death certificate reflecting that she died by suicide would devastate any wrongful death action, insurance claim, or any claim against city officials for emotional or financial injuries as a result of alleged misconduct. To support their position, the Plaintiffs cite the Vital Statistics Law, 35 P.S. § 450.810, which states that a death certificate “shall constitute prima facie evidence of its contents.” They also note that the Commonwealth Court has opined that a “death certificate would have evidentiary value in a claim dispute.” Chadwick v. Dauphin County Office of the Coroner, 905 A.2d 600, 606 n.9 (Pa. Cmwlth. 2006).

The Defendants attempt to contradict the Plaintiffs’ argument by citing Pittsburgh National Bank v. Mutual Life Insurance Co. of New York, 417 A.2d 1206, 1209 (Pa. Super. 1980), wherein the Court ruled that an official death certificate was inadmissible inasmuch as the medical opinions cited therein were hearsay. However, the Defendants misstate the Superior Court’s ruling in Pittsburgh National Bank and fail to appreciate the factual distinctions between that case and ours. In Pittsburgh National Bank, the Court clarified its ruling by stating that “**the contents of a certificate are admissible only insofar as they would be admissible if the official preparing the same had been called as a witness.**” *Ibid*, citing Kubacki v. Metropolitan Life Insurance Co., 164 A.2d 48 (Pa. Super. 1960) and Heffron v. Prudential Insurance Co., 8 A.2d 491 (Pa. Super. 1939). The author of the death certificate at issue in Pittsburgh National Bank **did not perform the autopsy** and had no personal knowledge as to the circumstances of death. *Id.* Consequently,



the Court ruled that the Coroner's opinions contained in the death certificate were inadmissible, since those opinions would also have been inadmissible had the Coroner testified. Id.

However, in **this case**, Defendant Osbourne both performed the autopsy **and** authored the death certificate. Therefore, his opinion reflected in the death certificate is based on personal knowledge and is not inadmissible hearsay. The Defendants are incorrect that a death certificate is *per se* inadmissible. On the contrary, the death certificate would be admissible as "prima facie evidence" of its contents under the Superior Court's holding in Pittsburgh National Bank and the Vital Statistics Law.

The Plaintiffs have an obvious substantial interest in the subject matter and outcome of this litigation, i.e. whether the death certificate is erroneous or otherwise a product of an abuse of discretion. Moreover, the Plaintiffs interest is direct and immediate, as a favorable judgment would affect the ability of the Plaintiffs to bring a wrongful death suit as well as its outcome.

Furthermore, this Court notes that the Superior Court has ruled that any arbitrary or capricious act or abuse of discretion by a medical examiner (or any public official) is **explicitly reviewable**. Marvin v. Monroe County, 35 A.2d 781, 782 (Pa. Super. 1944); Nader 643 A.2d at 753; Lauer v. City of New York, 733 N.E.2d 184 (N.Y. 2000) (duty to correct erroneous certificate without finding of abuse of discretion). In such a case, where there is an abuse of discretion or erroneous death certificate, the Court cannot think of any party **who could possibly have standing if not the Estate of the deceased**. Therefore, the Court did not err when it found that Plaintiffs have standing to litigate the current matter, and this claim should be dismissed.

## **II. MANDAMUS IS AVAILABLE TO THE PLAINTIFFS.**

The Defendants next contend that the Court cannot force the Medical Examiner to change the manner of death because the law has "clothed [the coroner] with discretionary powers."

Chadwick v. Dauphin County Office of the Coroner, 905 A.2d 600, 605 (Pa. Cmwlth. 2006). They further argue that “mandamus will not lie to compel a revision of the decision resulting from such exercise of discretion, though in fact, the decision may be wrong.” Sinkiewicz v. Susquehanna County Board of Comm’rs, 131 A.3d 541, 546 (Pa. Cmwlth. 2015).

However, the Court may intercede to correct the improper exercise of discretion. The Pennsylvania Commonwealth Court has ruled that a public official’s discretion is reviewable where its exercise is arbitrary or fraudulent or is based on a mistaken view of the law. Nader, 643 A.2d at 753. The Pennsylvania Superior Court has similarly ruled that a Coroner, in performing his duty to investigate the causes of sudden, violent, and unnatural deaths, “cannot act capriciously or arbitrarily and his discretion is always subject to review.” Marvin, 35 A.2d at 782. The Marvin Court further noted that “if death, as reported to, or observed by, the coroner, is such as to lead a reasonable person in his position to believe that felonious conduct caused the death a preliminary view and personal investigation by coroner is proper...” Id. at 783.

At the Motion hearing on October 15, 2021, the Plaintiffs presented evidence that the Medical Examiner, Defendant Osbourne, initially ruled the deceased Plaintiff’s death a homicide on January 27, 2011 after conducting an autopsy. The Plaintiffs also presented Osbourne’s deposition testimony. In his deposition, Osbourne stated that he had met with Philadelphia Police some months later, and they told him that there was a corroborating witness (the building security guard – Philip Hanton) who confirmed that he had seen Greenberg’s fiancé (Sam Goldberg) break in the apartment door (latched from the inside), where Hanton and Goldberg found Greenberg’s body. The Plaintiffs allege that the Police subsequently urged the Defendant Osbourne to amend Greenberg’s death certificate to reflect that she died by suicide and that he amended her death certificate on April 4, 2011.

**A key contention in the Plaintiffs' action is that the Defendant Osbourne acted arbitrarily and abused his discretion by delegating his duty to personally investigate the cause of the Greenberg's death to the Police. In support of this claim, the Plaintiffs introduced four pieces of evidence.** First, the Plaintiffs have presented Osbourne's deposition testimony. In his deposition, Osbourne states that he would not have amended the death certificate to indicate that Greenberg died of suicide if the fiancé's (Sam Goldberg's) story were not independently corroborated (i.e. if the apartment door latch were not engaged at the time of death). Second, the Plaintiffs introduced a declaration from Philip Hanton, who was the security guard on duty during the afternoon and evening of January 26, 2011. In his declaration, Hanton confirms that he was the security guard on duty at the time. However, Hanton denies that he accompanied or witnessed Goldberg breaking down the door to discover Greenberg's body. Third, the Plaintiffs presented video from the apartment building's lobby security camera that appears to corroborate Hanton's statements that neither he nor anyone else accompanied Goldberg to the apartment prior to the arrival of emergency services. Lastly, the Plaintiffs introduced a photograph of the inside latch on Greenberg's apartment door. This photo shows that both anchors securing the latch were slightly damaged but still affixed to the door and door frame. The Plaintiffs contend that at least one of the door anchors would no longer be attached if the door were forced in with the latch still locked.

For all of these reasons, the Plaintiffs contend that Defendant Osborn unjustifiably relied on false information that was provided to him by the police, rather than conducting his own independent "personal investigation" of the facts as required by Marvin. **When all is said and done, there is a legitimate question to be resolved at trial as to whether Defendant Osbourne**

**abused his discretion, and therefore, the Defendants Motion for Summary Judgment was properly denied.**

Secondly, even if the Superior Court does NOT find that there is a legitimate question relating to whether Defendant Osbourne abused his discretion, mandamus may still be available to order the Defendant to correct the autopsy report to reflect his actual opinion. As the Defendants agree in their Motion, “the common law writ of mandamus lies to compel an official’s performance of a ministerial act or a mandatory duty.” Sinkiewicz, 131 A.3d at 546. An autopsy report is an official record that a coroner/medical examiner is required to file with the prothonotary. Penn Jersey Advance, Inc. v. Grim, 599 Pa. 534 (2009). In addition, “to add to or correct information pertaining to the medical certification of cause of death or date or place of death, a written statement covering the necessary corrections or additions shall be submitted by the physician or coroner who signed the medical certification on the original certificate.” 28 Pa. Code § 1.37. In Lauer v. City of New York, 733 N.E.2d 184 (N.Y. 2000), the New York Court of Appeals noted that a medical examiner’s failure to correct an erroneous autopsy report was a “ministerial act” rather than a discretionary one (the Court recognizes that Lauer is a New York case, and is therefore not controlling in this matter; nevertheless, the Court finds it persuasive). Therefore, if the Plaintiffs can demonstrate that Defendant Osbourne believes his amended conclusion was erroneous in light of the evidence, then the Court may order him to submit corrections to the death certificate, or alternatively, order the Defendant Philadelphia County Office of the Medical Examiner to issue a new death certificate reflecting Defendant Osbourne’s actual opinion. Therefore, Mandamus is available to the Plaintiffs as a remedy.

### III. DECLARATORY RELIEF IS AVAILABLE TO THE PLAINTIFFS.

The Defendants' final argument is that declaratory relief is unavailable to the Plaintiffs. This claim also lacks merit.

Here, the Defendants cite Clark v. Township of Hamilton, 562 A.2d 965, 967 (Pa.Cmwlt. 1989), holding that "a declaratory judgment to decide future rights will not issue in a case where the alleged breach of the petitioner's rights is merely an anticipated event which may never happen." The Defendants argue that there is currently no actual controversy in question, and that Plaintiffs have a mere difference of opinion about Greenberg's cause of death.

However, Clark also states that "while the subject matter of the dispute giving rise to a request for declaratory relief **need not have erupted into a full-fledged battle**, petitioner must at least allege facts demonstrating the existence of an active controversy relating to the invasion or threatened invasion of the petitioner's legal rights; there must emerge the 'ripening seeds' of a controversy. Id. at 968, quoting In re Cryan's Estate, 152 A. 675 (Pa. 1930) (emphasis added). In this case, the Plaintiff Estate is seeking to establish that the deceased Plaintiff did not die by suicide. If successful, Plaintiffs would have the opportunity to seek redress for the decedent Plaintiff's wrongful death.

Defendant next argued that the Plaintiffs are not prevented from filing a wrongful death action, stating that "the medical examiner's determination is binding on no one." Nader, 643 A.2d 747, 752 (citing Bair v. Fourhman, 442 A.2d 35 (Pa. Cmwlt. 1982) (for the proposition that the findings of an inquest jury are merely advisory). However, it is disingenuous to suggest that the Plaintiff Estate in a wrongful death suit could possibly recover when the Defendant could produce the deceased Plaintiff's death certificate stating that she had died by suicide. The Plaintiffs would

face such an incredible hurdle at the outset of a wrongful death trial that recovery would be practically, though not legally, precluded.

The Declaratory Judgments Act is broad in scope and is to be liberally construed and administered. Cloonan v. Thornburgh, 519 A.2d 1040 (Pa. Cmwlth. 1986). However, a declaratory judgment cannot order a party to act. Petition of Kariher, 131 A.265, 268 (Pa. 1925). It is merely a “judicial searchlight,” that may “illuminate an existing legal right, status or other relation.” Doe v. Johns-Manville Corporation, 471 A.2d 1252, 1254 (Pa. Super. 1984). Since Plaintiffs in bringing a wrongful death action would have a near insurmountable hurdle to clear in establishing that the deceased Plaintiff did not die by suicide, a Declaratory Judgment that the death certificate is erroneous, or that the Defendant abused his discretion in amending the certificate may be appropriate. For these reasons, relief via Declaratory Judgment remains available to the Plaintiffs, and the Defendants’ final claim should also be dismissed.

## CONCLUSION

The Court did not err when it dismissed Defendants' Motion for Summary Judgment.

The Defendants raise three issues on appeal: 1) that the Plaintiffs do not have standing to bring the current action, 2) that mandamus is not available as a remedy, and 3) that declaratory relief is not available as a remedy. However, these contentions lack merit.

First, the Plaintiffs have standing because they have a substantial, direct, and immediate interest in whether Ellen Greenberg's death certificate is erroneous and whether the Defendant Marlon Osbourne abused his discretion or acted capriciously. If the Defendant Osbourne did in fact abuse his discretion and erroneously issued a death certificate citing Greenberg's manner of death as suicide, the Plaintiffs would in fact be highly prejudiced and practically precluded from bringing a wrongful death action if not remedied.

Second, Mandamus is available as a remedy to the Plaintiffs. While the Medical Examiner's opinion about the manner of a decedent's death is discretionary, the Pennsylvania Superior Court has held that a public official's discretion is reviewable where its exercise is arbitrary, fraudulent, or based on a mistaken view of the law. Nader, 643 A.2d at 743. The Court has further held that a Medical Examiner's discretion is "always subject to review." Marvin, 35 A.2d 782. Therefore, if the Plaintiffs can establish that Defendant Osbourne abused his discretion, then Mandamus may be available. However, even if Osbourne did not abuse his discretion, Mandamus may still be available if the Plaintiffs can establish that it is Osbourne's current opinion, in light of evidence he subsequently learned, that Greenberg's death certificate is erroneous.

Finally, Declaratory Relief is available as a remedy to the Plaintiffs. Although the Defendants argue that the Plaintiffs are not currently litigating a wrongful death action, and as

such there is no actual controversy in question, the Commonwealth Court has ruled that the underlying subject matter in a request for declaratory relief “need not have erupted into a full-fledged battle” and there must only “emerge the ‘ripening seeds’ of a controversy.” In this case, the Plaintiffs have alleged numerous facts demonstrating an active controversy (i.e. a wrongful death action for the homicide of Ellen Greenberg) that is frustrated by the Coroner’s allegedly erroneous death certificate. Since the current death certificate reflecting that Greenberg committed suicide would present a nearly insurmountable hurdle for the Plaintiffs in bringing a wrongful death action, it is not unreasonable, unjust, or an abuse of discretion for the Court to make a declaratory finding that Dr. Osbourne may have erroneously determined Greenberg’s manner of death or abused his discretion by not even considering whether it was appropriate to amend her death certificate under the unique circumstances of this case.

For the foregoing reasons, the Defendants claims should be dismissed.

**BY THE COURT:**

DATE: -

6/8/2022

  
**HONORABLE GLYNNIS D. HILL**