

[J-21-2011]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

GOVERNMENT EMPLOYEES	:	No. 26 WAP 2010
INSURANCE COMPANY,	:	
	:	
Appellee	:	Appeal from the Order of the Superior
	:	Court entered on August 18, 2008 at No.
	:	839 WDA 2007, reversing the Order of the
v.	:	Court of Common Pleas of Allegheny
	:	County entered on April 16, 2007 at No.
	:	GD-05-29620, and remanding.
JESSE AYERS,	:	
	:	
Appellant	:	ARGUED: April 12, 2011

ORDER

PER CURIAM

AND NOW, this 28th day of April, 2011, the Court being evenly divided, the Order of the Superior Court is **AFFIRMED**.

Madame Justice Orié Melvin did not participate in the consideration or decision of this case.

Mr. Chief Justice Castille and Messrs. Justice Saylor and Eakin would affirm, and Mr. Justice Saylor files an Opinion in Support of Affirmance.

Mr. Justice Baer, Madame Justice Todd, and Mr. Justice McCaffery would reverse.