

A Summary of Recent Pennsylvania Court Decisions

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REPORTING DECISIONS THROUGH APRIL 30, 2017

PENNSYLVANIA APPELLATE COURT DECISIONS

I. Procedural Law

A. *Interlocutory Orders*

- [*Blackburn v. King Investment Group, LLC*, 2017 PA Super 89 \(Pa. Super., April 5, 2017\)](#)

- **Holding:** A corrective order, which does not dispose of any claims, change the cause of action, alter substantive rights, prejudice any party, or annul the original jurisdiction, is not a final order appealable as of right under Pa.R.A.P. 341.

All decisions are “hyperlinked” to the slip opinion. All you have to do is “click” or “ctrl + click” on the title of the case, and if connected to the Internet, your browser will open decision for you to read in its entirety. Try it!

B. *Preemption*

- [*Okeke-Henry v. Southwest Airlines, Co.*, 2017 PA Super 102 \(Pa. Super. April 13, 2017\)](#)

- **Holding:** The Federal Aviation Act, 49 U.S.C.A. § 40101, *et seq.*, preempts the negligence claims relating to “aviation safety” claims such as claims arising while boarding a plane.

C. *Venue*

- [*Wyszynski v. Greenwood Gaming & Entertainment, Inc.*, 2017 PA Super 105 \(Pa. Super., April 17, 2017\)](#)

- **Holding:** For purposes of establishing venue, advertising and/or soliciting business, no matter how pervasive, does not amount to conducting business.

II. Substantive Law

A. *Auto Insurance - Waivers*

- [*Pergolese v. The Standard Fire Insurance Co.*, 2017 PA Super 96 \(Pa. Super., April 11, 2017\)](#)

- **Holding:** Because the purchase of a new vehicle constitutes a new “purchase,” and is not a replacement vehicle, an insurer is required to obtain a new waiver of stacked uninsured and underinsured motorist coverage pursuant to Section 1738 of the Motor Vehicle Financial Responsibility Law, 75 Pa.C.S.

B. *Bifurcation*

□ [*Castellani v. The Scranton Times, L.P.*, 2017 PA Super 127 \(Pa. Super., April 26, 2017\)](#)

- **Holding:** Bifurcation in a defamation case regarding public officials is necessary when the jury would be unnecessarily prejudiced and might find the defendants liable solely based upon the severity of the damages suffered by the Plaintiffs.

C. *Dragonetti Act*

□ [*Villani v. Seibert*, No. 66 MAP 2016 \(Pa., April 26, 2017\)](#)

- **Holding:** The Dragonetti Act, 42 Pa.C.S. §§ 8351-8354, is not an unconstitutional infringement upon the Supreme Court's authority to regulate the conduct of attorneys. Justice Bear filed a [concurring opinion](#). Justice Todd filed a [concurring opinion](#). Justice Donohue filed a [dissenting opinion](#).

D. *Pennsylvania Human Relations Act - Attorney's Fees*

□ [*Huyett v. Doug's Family Pharmacy*, 2017 PA Super 115 \(Pa. Super., April 20, 2017\)](#)

- **Holding:** The Pennsylvania Human Relations Act, 43 P.S. § 962, does not create an automatic right to attorney fees to all successful plaintiffs. Rather, when the trial court determines that there has been a violation of the PHRA, it may award attorney's fees and costs to the prevailing party.

E. *Philadelphia Fair Practices Ordinance*

□ [*SEPTA v. City of Philadelphia*, No. 10 EAP 2016 \(Pa., April 26, 2017\)](#)

- **Holding:** SEPTA is not subject to the jurisdiction of the Philadelphia Fair Practices Ordinance. Chief Justice Saylor filed a [concurring opinion](#). Justice Wecht filed a [concurring opinion](#). Justice Donohue filed a [dissenting opinion](#) in which Justices Todd and Dougherty joined.

III. Allocatur Petition

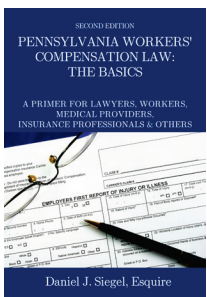
A. *The Pennsylvania Supreme Court has granted an appeal in the following matter for the issues stated:*

□ [*Jones v. Ott*, No. 442 WAL 2016 \(Pa., April 3, 2017\)](#)

- Absent an express request by the trial court to place any objections on the record, is a challenge to a trial court's jury instructions preserved pursuant to Pennsylvania Rule of Civil Procedure 227.1, if a party submits specific proposed points for charge to the trial court at the time of charging conference, and challenges the trial court's failure to include the specific points in a post-trial motion?

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