

**IN THE SUPERIOR COURT OF PENNSYLVANIA**

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Docket No. 154 EDA 2026

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SYNGENTA CROP PROTECTION, LLC and CHEVRON U.S.A., INC.,  
Defendants/Appellants,

v.

EUGENE BLACK, ET AL.,  
Plaintiffs/Appellees,

(IN RE: PARAQUAT PRODUCTS LIABILITY LITIGATION)

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**BRIEF OF *AMICI CURIAE* PENNSYLVANIA COALITION FOR  
CIVIL JUSTICE REFORM, PENNSYLVANIA CHAMBER OF  
BUSINESS AND INDUSTRY, INSURANCE FEDERATION OF  
PENNSYLVANIA, AMERICAN TRUCKING ASSOCIATIONS,  
PENNSYLVANIA MOTOR TRUCKING ASSOCIATION, AND  
CHESTER COUNTY MEDICAL SOCIETY IN SUPPORT OF  
APPELLANTS**

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Appeal from the Order of the Philadelphia County Court of  
Common Pleas, Civil Division, May Term, 2022, No. 559 entered  
on July 11, 2025, denying Defendants/Appellants Syngenta Crop  
Protection, LLC and Chevron U.S.A., Inc.'s Motion to Dismiss for  
*Forum Non Conveniens*

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## **STATEMENT OF INTEREST OF *AMICI CURIAE***

A coalition of organizations collectively representing the business, healthcare, insurance, and transportation industries has signed on to this *amicus* brief, underscoring the statewide significance of this appeal.

The Pennsylvania Coalition for Civil Justice Reform (“PCCJR”) is a statewide, bipartisan alliance of organizations and individuals representing health care providers, professional and trade associations, business, nonprofit entities, taxpayers, and other perspectives. PCCJR is dedicated to bringing fairness to litigants by elevating awareness of civil justice issues and advocating for reform.

The Pennsylvania Chamber of Business and Industry (the “PA Chamber”) is the Commonwealth’s largest broad-based business advocacy association, whose membership comprises over 13,000 member businesses of all sizes—from sole proprietors to Fortune 100 companies—and industry sectors throughout Pennsylvania. It represents approximately 50% of the private workforce in the Commonwealth. The PA Chamber’s purpose is to provide a unified

voice for businesses in the halls of the state Capitol and to advocate for job creation in Pennsylvania to lead to greater prosperity for its residents. The PA Chamber works to create a fair, balanced, and common-sense civil litigation system that gives predictability and certainty and achieves greater efficiencies and unbiased justice.

The Insurance Federation of Pennsylvania, Inc. (“IFP”), a nonprofit organization, is Pennsylvania’s leading insurance trade association, representing over 200 insurance companies in Pennsylvania. The IFP’s members are of all sizes and issue every type of insurance policy. These members represent half of the insurance premiums written in the Commonwealth. The IFP seeks to ensure a balanced and fair insurance environment in Pennsylvania. It routinely serves as the voice of the insurance trade in litigation in the Commonwealth where those interests are implicated. The IFP enjoys a well-earned reputation for integrity in the pursuit of its members’ interests.

The American Trucking Associations (“ATA”) is a united federation of motor carriers, state trucking associations (including the Pennsylvania Motor Truck Association), and national trucking

conferences created to promote and protect the interests of the trucking industry. Its direct membership includes over 3,000 trucking companies and industry suppliers, and in conjunction with its federation of affiliated organizations, it represents over 30,000 motor carriers and suppliers of every type and class of operation in the United States. The motor carriers represented by ATA haul a significant portion of the freight transported by truck in the United States, and virtually all operate in interstate commerce among the states, including Pennsylvania. ATA regularly files briefs as *amicus curiae* in courts throughout the nation, to represent the common interests of motor carriers in cases, like this one, involving issues of great importance for the trucking industry.

The Pennsylvania Motor Truck Association (“PMTA”), which is a non-profit entity formed in 1928 with almost 1,200 members, represents the interests of over 72,000 trucking companies employing almost 372,000 individuals in the Commonwealth of Pennsylvania, ranging from large multinational corporations to small businesses and single owner-operators. The mission of PMTA is to promote the professional and economic growth of the trucking

industry and the businesses that support it. Roadway safety, which PMTA promotes through education, advocacy, collaboration, and recognition programs, is among its highest priorities.

Chester County Medical Society (“CCMS”) is an independent, non-profit, membership organization for physicians. Its members include D.O.s, M.D.s, medical residents, fellows, and active and retired physicians. CCMS is open to all physician specialties and is the only physician organization in Chester County. It is also the oldest medical society in the Commonwealth of Pennsylvania. The mission of CCMS is to support and advocate for all physicians who work or live in Chester County and their patients. To that end, CCMS is involved in political advocacy at the county and state levels, the continuing education of their physician members, providing access to practice management resources and assistance, physician leadership programs, and ensuring the health of the Chester County community. Together with the other counties across the state and with the Pennsylvania Medical Society, CCMS provides a powerful voice of unity, awareness, and strength for the medical profession.

This appeal involves the doctrine of *forum non conveniens*. *Forum non conveniens* has long been a part of Pennsylvania jurisprudence. See *Plum v. Tampax, Inc.*, 160 A.2d 549, 552 (Pa. 1960) (adopting the doctrine of *forum non conveniens*). Indeed, the doctrine is codified/memorialized in both the Pennsylvania Rules of Civil Procedure and the Pennsylvania Uniform Interstate and International Procedure Act. See Pa.R.Civ.P. 1006(d)(1) (applying to in-state plaintiffs; “[f]or the convenience of parties and witnesses, the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought”); 42 Pa.C.S. § 5322(e) (applying to out-of-state plaintiffs; “[w]hen a tribunal finds that in the interest of substantial justice the matter should be heard in another forum, the tribunal may stay or dismiss the whole matter in whole or in part on any conditions that may be just”).

*Forum non conveniens* serves a vital purpose. The doctrine acts as a “necessary counterbalance to insure fairness and practicality,” *Okkerse v. Howe*, 556 A.2d 827, 832 (Pa. 1989), *overruled on other grounds by Cheeseman v. Lethal Exterminator*,

Inc., 701 A.2d 156 (Pa. 1997), by allowing a court to transfer a case to a more appropriate forum when litigating in the in-state plaintiff's chosen forum would be oppressive or vexatious (*i.e.*, intrastate *forum non conveniens*), *see, e.g., Bratic v. Rubendall*, 99 A.3d 1, 7 (Pa. 2014); or dismiss a case brought by an out-of-state plaintiff when, in the interests of justice and convenience of the parties, the litigation can more appropriately be conducted in another forum outside of Pennsylvania (*i.e.*, interstate *forum non conveniens*), *Plum*, 160 A.2d at 552.

The doctrine has taken on greater significance in recent years in light of *Mallory v. Norfolk Southern Railway Co.*, 600 U.S. 122 (2023), which held that Pennsylvania's consent-by-registration statute broadly confers personal jurisdiction in Pennsylvania for out-of-state corporations for conduct that occurred outside the Commonwealth against an out-of-state plaintiff. *Id.* at 125; *see id.* at 150 (Alito, J., concurring in part and concurring in the judgment). While other potential challenges exist to the statute—namely, a dormant Commerce Clause challenge, *see id.* at 150, 157–163) (Alito, J., concurring in part and concurring in the

judgment)—as it presently stands, corporate defendants who are not “at home” in Pennsylvania now face the real prospect of suit in the Commonwealth for claims arising in any jurisdiction by a plaintiff with no ties to Pennsylvania. This case illustrates the concern: over one thousand plaintiffs have filed actions in this Mass Tort Program; more than 91% have identified zero connection between their claims and Pennsylvania; and in the case of Defendant/Appellant Syngenta Crop Protection, LLC (“Syngenta”), a Delaware limited liability company with a principal place of business located in North Carolina, the only basis for Pennsylvania courts to exercise jurisdiction over it is that Syngenta registered to do business in the Commonwealth.

Because PCCJR, PA Chamber, IFP, ATA, PMTA, and CCMS (collectively “*Amici*”) and their members wish to avoid forum shopping and the resultant adverse impact on their respective industries and the economy as a whole, *Amici* have a compelling interest in this appeal. Pursuant to Pa.R.A.P. 531(b)(2), *Amici* each file this *amicus* brief in their own right and on behalf of their respective members. *Amici* state that no person, other than their

respective members and their respective counsel, paid for or authored this brief, in whole or in part.

## **SUMMARY OF ARGUMENT**

This appeal involves an order denying a motion to dismiss for *forum non conveniens* in the context of a mass-tort civil action where it is undisputed that the nine bellwether plaintiffs “have never lived or worked in Pennsylvania,” “do not allege paraquat exposure or any other injurious conduct in Pennsylvania,” and “did not receive treatment for their injuries in Pennsylvania;” “there are no witnesses, documents, or other evidence specific to their claims located in Pennsylvania;” and “other states’ substantive law would likely govern their claims.” Order in *In re: Paraquat Prods. Liab. Litig.*, No. 179 EDM 2025, *slip op.* at 3 (Pa. Super. Ct. Jan. 14, 2026) (*per curiam*).

*Amici* concur with Appellants that this case should be dismissed on *forum non conveniens* grounds, pursuant to Section 5322(e) of the Judicial Code, 42 Pa.C.S. § 5322(e). *Amici* write separately because this appeal is one of several recent cases addressing the doctrine of interstate *forum non conveniens* albeit with disparate results. Compare, e.g., *Dickerson v. U.S. Steel Corp.*, No. 3131 EDA 2024 (Pa. Super. Ct. Sept. 8, 2025) (affirming order granting motion to dismiss on the basis of *forum non*

*conveniens* where, *inter alia*, plaintiffs were residents of North Carolina, all of the decedent's alleged exposure was in North Carolina, and all of the witnesses with personal knowledge of his duties, work environment, and alleged exposure as well as all of his treating physicians, are in North Carolina),<sup>1</sup> *with, e.g., Garcia v. Foley, Inc.*, No. 3220 EDA 2024 (Pa. Super. Mar. 31, 2026) (reversing order granting motion to dismiss on the basis of *forum non conveniens* where, *inter alia*, the plaintiffs were residents of New Jersey, the cause of action arose in New Jersey, and the one defendant had a principal place of business in New Jersey while the other had a principal place of business in Texas). *See also Duxbury v. Reconstructive Orthopedic Assocs. II, P.C.*, 354 A.3d 551 (Pa. Super. Ct. 2026).

*Amici* therefore urge this Court to use the instant appeal to clarify two aspects of the doctrine for the benefit of the bench, the bar, and civil litigants: (1) whether courts should consider the nexus between the dispute and the forum; and (2) the deference, if any, owed to a plaintiff's choice of forum.

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<sup>1</sup> See Pa. Super. Ct. IOP § 65.37 (permitting parties to cite non-precedential decisions after May 1, 2019).

## **ARGUMENT**

### **I. The Court Should Reverse the Trial Court's Order Denying Appellants' Motion to Dismiss Certain Bellwether-Selection Cases for *Forum Non Conveniens*, and in the Process, Clarify the Contours of the Doctrine of Interstate *Forum Non Conveniens***

#### **A. History of the Common Law Doctrine of *Forum Non Conveniens***

*Amici* begin with a discussion of the history of the common law doctrine of *forum non conveniens* because, by “[a]cknowledging the forces at work behind the doctrine's spread and evolution,” it should aid this Court in clarifying the doctrine, “unencumbered by a mythological past.” William S. Dodge, et al., *The Many State Doctrines of Forum Non Conveniens*, 72 Duke L.J. 1163, 1173 (2023).

*Forum non conveniens* is a common law doctrine that allows a court to dismiss a case brought by an out-of-state plaintiff when, although personal jurisdiction and venue are proper, such a dismissal would serve the convenience of the parties and the ends of justice. See generally Paxton Blair, *The Doctrine of Forum Non Conveniens in Anglo-American Law*, 29 Colum. L. Rev. 1 (1929). The purpose of the doctrine is to permit a trial court to go beyond

technical jurisdictional considerations and to focus instead on how justice can be best served in a particular case. *See, e.g., Wright v. Consolidated Rail Corp.*, 215 A.3d 982, 991 (Pa. Super. Ct. 2019).

Only defendants may invoke the doctrine because plaintiffs have the original choice of forum. At its core, *forum non conveniens* exists to prevent a plaintiff from invoking the power of the court to "bring [a] suit in an inconvenient forum in the hope that they will secure easier or larger recoveries or so add to the costs of the defense that the defendant will take a default judgment or compromise for a larger sum." *Hovatter v. CSX Transp.*, 193 A.3d 420, 424 (Pa. Super. Ct. 2018) (internal citation and quotation marks omitted).

Various courts have described *forum non conveniens* as an "ancient" doctrine, *e.g., Esfeld v. Costa Crociere, S.P.A.*, 289 F.3d 1300, 1302 n.4 (11th Cir. 2002), with a "long history," *e.g., Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 248 n.13 (1981), and "deep roots in the common law," *e.g., In re Pirelli Tire, L.L.C.*, 247 S.W.3d 670, 675 (Tex. 2007). But the reality is that the doctrine in its

modern form “is a relatively recent addition to the law.” Gordon E. Maag, *Forum Non Conveniens in Illinois: A Historical Review, Critical Analysis, and Proposal for Change*, 25 S. ILL. U. L. J. 461, 462 (2001). Indeed, “federal courts have only exercised this discretionary power since 1947,” and “[w]ith the exceptions of New York and Massachusetts, state courts only began recognizing a discretion to decline jurisdiction at the turn of the last century.” Dodge, *supra*, *The Many State Doctrines of Forum Non Conveniens*, 72 Duke L.J. at 1165–1167.

While there is no single doctrine of *forum non conveniens*, see, e.g., *Am. Dredging Co. v. Miller*, 510 U.S. 443, 453, 456 (1994) (recognizing that *forum non conveniens* is a matter of “local policy” and that some states may reject its application), “the majority of states use a doctrine similar or identical to that of [*Gulf Oil v. Gilbert*, 330 U.S. 501 (1947)].” Dodge, *supra*, *The Many State Doctrines of Forum Non Conveniens*, 72 Duke L.J. at 1168. This includes Pennsylvania, which adopted the *Gulf Oil* formulation

of the doctrine of *forum non conveniens* in 1960. See *Plum*, 160 A.2d at 553.<sup>2</sup>

In doing so, the Pennsylvania Supreme Court indicated that it was well within the discretionary power of the trial court, after weighing various factors, to decline to exercise its jurisdiction and dismiss the suit under the doctrine of *forum non conveniens*. See *id.* at 560 (citing *Gulf Oil*, 330 U.S. at 501; *Koster v. Lumbermen's Mut. Cas. Co.*, 330 U.S. 518 (1947)). Citing the Tentative Draft of the Second Restatement, Conflict of Laws, the Supreme Court then stated that the “two most important factors” that a trial court should look to in deciding whether to apply *forum non conveniens* are “(1) that since it is for the plaintiff to choose the place of suit, his choice of a forum should not be disturbed except for weighty reasons, and (2) that the action will not be dismissed in

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<sup>2</sup> The Pennsylvania Supreme Court discussed *forum non conveniens* for the first time in *Fairchild Engine & Airplane Corp. v. Bellanca Corp.*, 137 A.2d 248 (Pa. 1958), *id.* at 250, but did not expressly adopt the doctrine until two years later in *Plum*. See *Alpers v. N.J. Bell Tel. Co.*, 170 A.2d 360, 363 (Pa. 1961) (Cohen, J., dissenting) (noting “[o]ur courts have recently adopted the doctrine of forum non conveniens” and citing *Plum* as support for that proposition).

any event unless an alternative forum is available to the plaintiff.” *Plum*, 160 A.2d at 560–561. To guide the trial court’s discretion in applying that test, the Pennsylvania Supreme Court adopted the list of “private interest factors” affecting the convenience of the litigants, as well as the list of “public interest factors” affecting the convenience of the forum, set forth in *Gulf Oil*. *Plum*, 160 A.2d at 561–562.

**B. Following its Adoption in Pennsylvania, *Forum Non Conveniens* Evolved Into Two Separate and Distinct Doctrines**

Around the time of *Gulf Oil*, “state courts were only considering declining jurisdiction in cases that had no in-state party and no in-state cause of action.” Dodge, *supra*, *The Many State Doctrines of Forum Non Conveniens*, 72 Duke L.J. at 1180. Indeed, *Gulf Oil* itself was such a case, as the plaintiff, a resident of Virginia, sued a Pennsylvania corporation in New York over alleged violations of a local Virginia ordinance. 330 U.S. at 502. Then, in 1954, “New Jersey quietly revolutionized the doctrine’s scope by explicitly permitting forum non conveniens dismissals of cases

involving in-state defendants.” Dodge, *supra*, *The Many State Doctrines of Forum Non Conveniens*, 72 Duke L.J. at 1185.

Pennsylvania quickly followed suit. In 1967, the Pennsylvania Supreme Court adopted Pennsylvania Rule of Civil Procedure 1006(d), which allows a court to transfer an action to “the appropriate court of any other county where the action could originally have been brought” “[f]or the convenience of parties and witnesses.” Pa.R.Civ.P. 1006(d)(1); see *U.S. Cold Storage Corp. v. Phila.*, 235 A.2d 422, 424 (Pa. 1967) (discussing adoption of Rule 1006).

Later, in 1978, the General Assembly adopted Act 53 of 1978, as amended 42 Pa.C.S. § 5322(e). Modeled after Section 1.05 of the Uniform Interstate and International Procedure Act, see *Westerby v. Johns-Manville Corp.*, 8 Phila. 335, 357–358 (Phila. Cnty. Ct. Com. Pl. 1982), Section 5322(e) provides: “When a tribunal finds that in the interest of substantial justice the matter should be heard in another forum, the tribunal may stay or dismiss the matter in whole or in part on any condition that may be just.” 42 Pa.C.S. § 5322(e).

Although similar, Rule 1006(d)(1) and Section 5322(e) have several notable differences. For one, the remedies differ as Rule 1006(d)(1) enables a court to transfer an action to another county within the Commonwealth; in contrast, because Pennsylvania courts lack authority to transfer cases to the courts of its sister states, dismissal is the “only permissible result” under Section 5322(e). *Alford v. Phila. Coca-Cola Bottling Co.*, 531 A.2d 792, 794 (Pa. Super. Ct. 1987).

Moreover, the effect of each provision is “drastic[ly] differen[t].” *Id.* A Rule 1006(d)(1) transfer “does not extinguish the litigation,” while a Section 5322(e) dismissal “terminates the litigation in the courts of this Commonwealth.” *Id.* Further, the standard to establish *forum non conveniens* varies depending upon whether Rule 1006(d)(1) or Section 5322(e) applies. “[A] showing of oppressiveness or vexatiousness is essential to the *forum non conveniens* inquiry under Rule 1006(d)(1) in all cases.” *Tranter v. Z&D Tour, Inc.*, 343 A.3d 1106, 1123 (Pa. 2025). Section 5322(e), on the other hand, requires the defendant to satisfy a two-part test—(1) whether there are “weighty reasons” to disturb the

plaintiff's choice of forum, and if so, (2) whether there is an alternate forum available, *see, e.g., Ficarra v. Consol. Rail Corp.*, 242 A.3d 323, 330 (Pa. Super. Ct. 202)—with the first prong involving consideration of the *Gulf Oil* “private” and “public interest” factors, *see, e.g., Jessop v. ACF Industries, LLC*, 859 A.2d 801, 803–804 (Pa. Super. Ct. 2004). Additionally, the defendant bears a “heavier burden” of proof under Rule 1006(d)(1) than Section 5322(e). *Wright*, 215 A.3d at 992. Finally, and perhaps most significant, the former applies in instances of intrastate *forum non conveniens*, whereas the latter applies in instances of interstate *forum non conveniens*. *See, e.g., Alford*, 531 A.2d at 794 (collecting cases).

Thus, while *forum non conveniens* was originally a one-size-fits-all concept, today, it is two separate and distinct doctrines.

**C. As the Doctrine Has Evolved, So, Too, Has the Emphasis on the Nexus Between the Dispute and the Forum in the Interstate Context**

As time has gone on, this Court has recognized that the nexus between the dispute and the forum is a relevant consideration when deciding whether to dismiss a case brought by an out-of-

state plaintiff on *forum non conveniens* grounds. See, e.g., *Engstrom v. Bayer Corp.*, 855 A.2d 52, 54, 56 (Pa. Super. Ct. 2004); *Cinousis v. Hechinger Dep't Store*, 594 A.2d 731, 732–733 (Pa. Super. Ct. 1991). Such caselaw is consistent with the widespread view that *Gulf Oil* set forth a non-exhaustive list of factors for *forum non conveniens*. See, e.g., *Sunline USA LLC v. Ezzi Grp., Inc.*, 708 F. Supp. 3d 585, 594 (E.D. Pa. 2023); *S.R.J. v. Marriott Int'l Inc.*, No. 2:21-CV-1863, 2022 U.S. Dist. LEXIS 191019, at \*3 (W.D. Pa. Oct. 19, 2022). This Court's jurisprudence is also in keeping with the Pennsylvania Supreme Court's observation in *Plum* that the "situs of the case" may warrant a trial court declining jurisdiction for *forum non conveniens*. *Plum*, 160 A.2d at 560. Pennsylvania courts, though, have been slow to update their recitation of the applicable factors to reflect this development.

For instance, in *Engstrom*, this Court affirmed an order dismissing five complaints filed in a mass tort products liability action on the basis of interstate *forum non conveniens*. 855 A.2d at 58. In doing so, this Court quoted the private and public interest

factors announced in *Gulf Oil*, verbatim. See *id.* at 56 (quoting *Petty v. Suburban Gen. Hosp.*, 525 A.3d 1230, 1232 (Pa. Super. Ct. 1987), *abrogated on other grounds as stated in Tranter v. Z&D Tour, Inc.*, 343 A.3d 1106, 1123 (Pa. 2025), in turn, quoting *Gulf Oil*, 330 U.S. at 508–509). But this Court nevertheless credited the trial court’s finding that “there is no connection between Pennsylvania and the specific facts of these cases.” *Id.* (internal citation and quotation marks omitted). Indeed, this Court opened its opinion by underscoring the lack of nexus between the dispute and Pennsylvania even though it was not one of the enumerated factors for *forum non conveniens* at the time:

Appellants in this matter are citizens of Missouri, Washington state, Arizona and Hawaii; none has ever resided in Pennsylvania. In no case did the purchase of the medication containing PPA, or the onset, diagnosis or treatment of any Appellant's illness occur in Pennsylvania. No providers of medical service, medical records or their custodians are located in Pennsylvania. None of the witnesses material to demonstration of Appellants' damage claims reside in Pennsylvania.

*Engstrom*, 855 A.2d at 54.

Similarly, in *Cinousis*, this Court affirmed an order dismissing a case brought by an out-of-state plaintiff on *forum non conveniens*

grounds. 594 A.2d at 733. Like *Engstrom*, this Court quoted the *Gulf Oil* factors. *Id.* at 732 (quoting *Plum*, 160 A.2d at 553, quoting, in turn, *Gulf Oil*, 330 U.S. at 508–509). And like *Engstrom*, this Court nonetheless focused on the lack of nexus between the dispute and the forum when applying the doctrine:

The plaintiffs are not residents of Pennsylvania. The pertinent events giving rise to the cause of action occurred outside of Pennsylvania. The relevant medical records of plaintiff's physician after the alleged accident are located outside of Pennsylvania. The known witnesses reside outside of Pennsylvania and any additional witnesses will most likely reside outside of Pennsylvania.

*Cinousis*, 594 A.2d at 733 (internal citation and quotation marks omitted). This Court added: “*In view of the absence of any significant contact between appellant's cause of action and this Commonwealth*, the need to apply the substantive law of New Jersey, and the significant backlog of cases which currently plagues the dockets of the Philadelphia court system, we hold that the trial court did not abuse its discretion when it dismissed appellant's action in the instant case.” *Id.* (emphasis added).

By way of another example, in *Pisieczko v. Children's Hosp.*, 73 A.3d 1260 (Pa. Super. Ct. 2013), this Court affirmed an order

dismissing a complaint based on *interstate forum non conveniens*. *Id.* at 1261, 1265. In reaching that conclusion, and similar to *Cinousis and Engstrom*, this Court recited the private and public interest factors from *Gulf Oil*, virtually word-for-word. *See id.* at 1263. And yet, just like *Cinousis and Engstrom*, this Court still concentrated on the lack of nexus between the dispute and the Commonwealth when addressing *forum non conveniens*, writing: “While Appellee's headquarters are located in Philadelphia County, the cause of action arose from injuries sustained in New Jersey,” adding: “Appellants are New Jersey residents suing about an accident that took place in New Jersey.” *Id.* at 1263–1264.

Likewise, in *Horvatter*, this Court vacated a trial court’s order denying a motion to dismiss for *forum non conveniens*. 193 A.3d at 422. As with *Cinousis, Engstrom*, and *Pisieczko*, this Court began by quoting the *Gulf Oil* factors. *Id.* at 424–425 (quoting *Petty*, 525 A.3d at 1232, in turn, quoting *Gulf Oil*, 330 U.S. at 508–509). But just like *Cinousis, Engstrom*, and *Pisieczko*, this Court ultimately emphasized the lack of nexus between the dispute and

the Commonwealth when applying the doctrine—despite the fact that it is not one of the *Gulf Oil* factors—stating:

Neither Appellee resides in Pennsylvania (Hovatter resides in Maryland; Wilson, in Kentucky); Hovatter's injury allegedly occurred in Cumberland, Maryland; Wilson's in Kentucky, Ohio, and Indiana; Hovatter received his medical treatment in Maryland; his witnesses are in Maryland.

Wilson received all of his medical treatment in Kentucky and Ohio. All of his claims arise from alleged acts and omissions of Appellant in Kentucky, Ohio, Indiana, or Florida. There are no relevant witnesses to any of the working conditions in Pennsylvania. There are no employment records or other documents of relevance to either case in Pennsylvania. Appellant states that all sources of proof in these matters are located outside of Pennsylvania.

\* \* \*

We are constrained to conclude that the trial court abused its discretion.

*Hovatter*, 193 A.3d at 427–428.

Other instances in which this Court focused on the lack of nexus between the case and Pennsylvania when applying the doctrine of interstate *forum non conveniens* include *Ficarra v. Consol. Rail Corp.*, 242 A.3d 323, 333 (Pa. Super. Ct. 2020) (“Plaintiff[s’] claim[s have] no relation to Philadelphia.” (internal

citation and quotation marks omitted.)); *Gravenor-Reuter v. Acme Markets, Inc.*, No. 580 EDA 2024, 2025 Pa. Super. Unpub. LEXIS 571, at \*10 (Pa. Super. Ct. Mar. 11, 2025) (“[T]he connection between this case and Pennsylvania is, at most minimal.”); and *Jessop*, 859 A.2d at 804 (“Philadelphia has no connections with the allegations Plaintiff has put forth in this action. Simply put, there is no relationship between the facts of this case in [sic] Philadelphia County. Plaintiff has no connection to Philadelphia County whatsoever.” (alteration in original; internal citation and quotation marks omitted.)); and *Kennedy v. Crothall Healthcare, Inc.*, 321 A.3d 1065, 1081 (Pa. Super. Ct. 2024) (“The trial court also did not abuse its discretion in finding that the public factors greatly favor dismissal where this case centers on medical treatment rendered in a Florida hospital that led to injury to a minor who continues to live with Plaintiff in Florida.”).<sup>3</sup>

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<sup>3</sup> It is also worth noting that other states have taken a page out of this Court’s book and placed a greater emphasis on the degree of nexus between the dispute and the forum when evaluating a request for dismissal on *forum non conveniens* grounds. See Dodge, *supra*, *The Many State Doctrines of Forum Non Conveniens*, 72 Duke L.J. at 1207; see, e.g., *State ex rel. Chicago, Rock Island & Pac. R.R. Co. v. Riederer*, 454 S.W.2d 36, 39 (Mo. 1970) (factors

**D. Consistent With This Court's Own Jurisprudence, This Court Should Clarify That the Nexus Between the Dispute and the Forum is a Relevant Consideration When Deciding Whether to Dismiss a Case Brought by an Out-of-State Plaintiff on *Forum Non Conveniens* Grounds**

In light of this long line of cases, *Amici* respectfully request that this Court use this appeal to make clear that, despite not being an enumerated *Gulf Oil* factor, the nexus between the dispute and the forum is a relevant consideration when deciding whether to dismiss a case brought by an out-of-state plaintiff on *forum non conveniens* grounds. *Amici* defer to this Court, but it stands to reason that such nexus should be characterized as an additional public interest factor.

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for *forum non conveniens* include "place of accrual of the cause of action," "the residence of the parties," and "any nexus with the place of suit"); *Summa Corp. v. Lancer Indus.*, 559 P.2d 544, 546 (Utah 1977) (factors for *forum non conveniens* include "the location of the primary parties" and "where the fact situation creating the controversy arose"); *Islamic Republic of Iran v. Pahlavi*, 467 N.E. 245, 248 (N.Y. Ct. App. 1984) (factors for *forum non conveniens* include "that both parties to the action are non residents and that that transaction out of which the cause of action arose occurred primarily in a foreign jurisdiction" (citation omitted)).

**E. This Court Should Also Clarify That Plaintiff's Choice of Forum is Afforded No Deference Where, as Here, Neither the Plaintiff Nor the Cause(s) of Action Have Any Connection to Pennsylvania**

The other issue that merits clarification in *Amici's* view is the issue of deference. Pennsylvania courts have repeatedly stated that a plaintiff's choice of forum is entitled to some form of deference in the context of a *forum non conveniens* analysis—whether that be “great deference,” e.g., *Mundy v. Lake Mtn. Co.*, 59 Pa. D. & C.4th 424, 427 (Phila. Cnty. Ct. Com. Pl. 2001); “great weight,” e.g., *Brown v. Conrail*, 77 Pa. D. & C.5th 402, 410 (Phila. Cnty. Ct. Com. Pl. 2019); regular, run-of-the-mill deference, e.g., *Wood v. E.I. du Pont de Nemours & Co.*, 829 A.2d 707, 711 (Pa. Super. Ct. 2003) (internal citation and quotation marks omitted); or “less deference,” e.g., *Bochetto v. Piper Aircraft Co.*, 94 A.3d 1044, 1056 (Pa. Super. Ct. 2014). In fact, the Trial Court invoked the latter form of deference in its Rule 1925 Opinion. (See Br. of Appellants, Appx. B at 12 (“A plaintiff's choice of forum is entitled to deference, but to a somewhat lesser degree when the plaintiff's residence and place of injury are located outside of Pennsylvania.”))

But framing the plaintiff's choice of forum in such terms inevitably leads to the problem of quantifying the various degrees of deference—which are inherently amorphous. The other, more fundamental issue is that the concept of deference in the *forum non conveniens* context traces back to *Koster v. Lumbermens Mutual Casualty Company*, 330 U.S. 518 (1947), which was a companion case to *Gulf Oil*. Indeed, both cases were decided on the same day, March 10, 1947. See *Gulf Oil*, 330 U.S. at 501; *Koster*, 330 U.S. at 518. *Lumbermens*, however, did not involve a situation in which a plaintiff chose to bring his or her claims in a foreign state. Instead, the plaintiff in *Lumbermens* filed suit in his “home jurisdiction.” *Id.* at 524 (“Where there are only two parties to a dispute, there is good reason why it should be tried in the plaintiff's *home forum* if that has been his choice. He should not be deprived of the presumed advantages of his *home jurisdiction* except upon a clear showing of facts which either (1) establish such oppressiveness and vexation to a defendant as to be out of all proportion to plaintiff's convenience, which may be shown to be slight or nonexistent, or (2) make trial in the chosen forum

inappropriate because of considerations affecting the court's own administrative and legal problems.” (emphasis added).)

While there are good reasons to presume that a forum is reasonable for *forum non conveniens* purposes when the plaintiff files suit in his or her “home jurisdiction” (*i.e.*, intrastate *forum non conveniens*), no such reasons exist when the plaintiff has no connection to the forum state (*i.e.*, interstate *forum non conveniens*). This is especially true when the situs of the plaintiff’s cause(s) of action occurred elsewhere like the nine bellwether plaintiffs here. Moreover, to continue to afford deference where neither the plaintiff nor the cause(s) of action have a connection to the forum only incentives forum shopping, which runs counter to the doctrine of *forum non conveniens* itself. *Hovatter*, 193 A.3d at 424 (“Application of the forum non conveniens doctrine in an interstate context solves the problem . . . that plaintiffs may bring the suit in an inconvenient forum in the hope that they will secure easier or larger recoveries or so add to the costs of the defense that the defendant will take a default judgment or compromise for a larger sum.” (internal citation and quotations marks omitted).)

Accordingly, this Court should clarify that a plaintiff's choice of forum is entitled to no deference where, as here, neither the plaintiff nor the cause(s) of action have any connection to Pennsylvania.

**F. Alternatively, this Court Should Clarify That Plaintiff's Choice of Forum Merely Implicates a Rebuttal Presumption When Evaluating a Request for Dismissal Under 42 Pa.C.S. § 5322(e)**

In the event that this Court is unwilling to completely jettison the term “deference” from its formulation of the doctrine of interstate *forum non conveniens*, then it should make clear that a plaintiff's choice of forum merely implicates a rebuttable presumption when evaluating a request for dismissal under 42 Pa.C.S. § 5322(e).

For one, framing the plaintiff's choice of forum as a presumption more closely hews to how *Gulf Oil*—the case that served as the catalyst for the modern understanding of the doctrine of *forum non conveniens*—viewed the selection. 330 U.S. at 508 (“But unless the balance is strongly in favor of the defendant, the plaintiff's choice of forum should rarely be disturbed.”) Another advantage is that it grounds the inquiry in an objective standard,

as opposed to a subjective one like “great weight” or “less deference.”

Further, plaintiff’s choice of forum has long been understood as a presumption more than an issue of deference. *See, e.g., Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 252 n.19 (1981) (“If the defendant is able to overcome the presumption in favor of plaintiff by showing that trial in the chosen forum would be unnecessarily burdensome, dismissal is appropriate—regardless of the fact that defendant may also be motivated by a desire to obtain a more favorable forum.”); *see id.* at 261 (“The District Court properly decided that the presumption in favor of the respondent’s forum choice applied with less than maximum force because the real parties in interest are foreign.”) Additionally, using the terminology of “presumption,” in lieu of “deference,” places the focus on the evidentiary burden for the defendant to satisfy *forum non conveniens*, which is where it should lie.<sup>4</sup>

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<sup>4</sup> Again, the relevant burden varies depending on whether the case involves intrastate or interstate *forum non conveniens*. *See, e.g., Wright*, 215 A.3d at 992.

And discussing plaintiff's choice of forum as a presumption, rather than a matter of deference, makes particular sense when one considers that the requisite weight to be afforded to plaintiff's decision on where to file suit is already embodied in the applicable standard, thus making any separate reference to "deference" redundant. See, e.g., *Wright*, 215 A.3d at 992 (under the intrastate transfer precepts, a defendant must establish that "a plaintiff's chosen forum is oppressive and vexatious for the defendant," while the burden on a defendant in a *forum non conveniens* motion requires that party to present "weighty reasons" to overcome the plaintiff's forum choice by demonstrating that "there is a more convenient forum where the litigation could be conducted more easily, expeditiously, and inexpensively").

### **CONCLUSION**

For the foregoing reasons, as well as the additional reasons set forth in the Brief of Appellants, *Amici* respectfully request that this Court vacate the trial court's Order and remand with instructions to grant Appellants' Motion to Dismiss Certain Bellwether-Selection Cases for *Forum Non Conveniens*. *Amici* ask

that, in the process, this Court clarify the contours of the doctrine of interstate *forum non conveniens*, namely, that the nexus between the dispute and the forum is a relevant consideration; and plaintiff's choice of forum is entitled to no deference where, as here, neither the plaintiff nor the cause(s) of action have any connection to Pennsylvania.

In the alternative, *Amici* ask that the Court make clear that the nexus between the dispute and the forum is a relevant consideration, and a plaintiff's choice of forum merely implicates a rebuttal presumption, when evaluating a request for dismissal under 42 Pa.C.S. § 5322(e).

Respectfully submitted,

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Date: August 17, 2026

## **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing BRIEF OF *AMICI CURIAE* PENNSYLVANIA COALITION FOR CIVIL JUSTICE REFORM, *ET AL.* complies with the word-count limit set forth in Pa.R.A.P. 531(b)(3). Based on the word-count function of the word processing system used to prepare the Brief, the substantive portions of the Brief (as required by Pa.R.A.P. 2135(b) and (d)), contain 5,864 words.

I also certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: August 17, 2026

/s/ Casey Alan Coyle  
Casey Alan Coyle, Esquire

## **PROOF OF SERVICE**

I hereby certify that, on this 17<sup>th</sup> day of August, 2026, I am causing this document to be filed via PACFile, which will serve a copy on all counsel of record.

/s/ Casey Alan Coyle  
Casey Alan Coyle, Esquire