

SUPERIOR COURT OF PENNSYLVANIA

154 EDA 2026

SYNGENTA CROP PROTECTION, LLC AND
CHEVRON U.S.A., INC.

v.

EUGENE BLACK AND FMC CORPORATION

IN RE: PARAQUAT PRODUCTS LITIGATION

APPEAL OF: SYNGENTA CROP PROTECTION, LLC AND
CHEVRON U.S.A., INC.

**AMICUS BRIEF OF THE CHAMBER OF
COMMERCE OF THE UNITED STATES OF
AMERICA AND THE CHAMBER OF COMMERCE
FOR GREATER PHILADELPHIA
IN SUPPORT OF APPELLANTS**

Appeal from the July 11, 2025 Order of the Philadelphia
County Court of Common Pleas, May Term 2022,
No. 559, Hon. Joshua H. Roberts,
Denying Appellants' Motion to Dismiss

Robert M. Palumbos
Andrew R. Sperl
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103

*Counsel for Amici Curiae
the Chamber of Commerce
of the United States of
America and the Chamber
of Commerce for Greater
Philadelphia*

Of Counsel:
Jennifer B. Dickey
Kevin R. Palmer
U.S. CHAMBER
LITIGATION CENTER
1615 H Street, NW
Washington, DC 20062

TABLE OF CONTENTS

STATEMENT OF INTEREST.....	1
SUMMARY OF THE ARGUMENT	2
ARGUMENT	4
I. In contrast to federal MDL practice and other state mass tort programs, Philadelphia’s mass tort program creates unique challenges for management of out-of- state cases.	4
II. Philadelphia’s mass tort program is a case management tool that heightens the importance of the <i>forum non</i> <i>conveniens</i> doctrine rather than displacing it.	8
III. The public interest strongly favors application of the <i>forum non conveniens</i> doctrine to cases in the Philadelphia mass tort program with no connection to Pennsylvania.....	13
CONCLUSION.....	22
CERTIFICATES OF COMPLIANCE.....	23

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Burnett v. Penn Central Corp.</i> 250 A.3d 1240 (Pa. Super. 2021).....	8
<i>Deppa v. Abbott Laboratories, Inc.</i> 2025 WL 3568304 (Ill. Ct. App. Dec. 12, 2025)	12
<i>Engstrom v. Bayer Corp.</i> 855 A.2d 52 (Pa. Super. 2004).....	3, 9-11, 19-20
<i>Ficarra v. Consol. Rail Corp.</i> 242 A.3d 323 (Pa. Super. 2020).....	19
<i>Gulf Oil Corp. v. Gilbert</i> 330 U.S. 501 (1947)	9, 14, 18, 20
<i>Heckman v. WE Pharms., Inc.</i> 65 Pa. D. & C.4th 523 (C.P. Phila. 2004)	15
<i>Hovatter v. CSX Transp., Inc.</i> 193 A.3d 420 (Pa. Super. 2018).....	8
<i>HTR Rests., Inc. v. Erie Ins. Exch.</i> 307 A.3d 49 (Pa. 2023)	5-6
<i>Hunter v. Bayer Corp.</i> 65 Pa. D. & C.4th 298 (C.P. Phila. 2003)	15
<i>In re Phenylpropanolamine (PPA) Prods. Liab. Litig.</i> 460 F.3d 1217 (9th Cir. 2006)	5
<i>Jessop v. ACF Indus., LLC</i> 859 A.2d 801 (Pa. Super. 2004).....	3, 9, 11, 19-20
<i>Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach</i> 523 U.S. 26 (1998)	5

<i>Lutzenkirchen v. OSF Healthcare Sys.</i> 276 N.E.3d 605 (Ill. Ct. App. 2025).....	12
<i>Plum v. Tampax, Inc.</i> 160 A.2d 549 (Pa. 1960)	9, 14, 18, 20
<i>Rebbeck v. Honeywell Int’l, Inc.</i> 2019 WL 1040674 (N.J. Super. Ct. App. Div. Mar. 5, 2019)	13
<i>Roberts-Hudson v. Bayer Corp.</i> 67 Pa. D. & C.4th 73 (C.P. Phila. 2004)	15
<i>Wright v. Consolidated Rail Corp.</i> 215 A.3d 982 (Pa. Super. 2019).....	19
STATUTES	
42 Pa.C.S. § 5322	8-9, 19
28 U.S.C. § 1407	5, 7
OTHER AUTHORITIES	
Administrative Office of Pennsylvania Courts, Court of Common Pleas Caseload Statistics for Philadelphia County (2024)	18
Aleeza Furman, Filings in Phila. Paraquat Mass Tort Surge Amid Slowdowns in Federal MDL, Legal Intelligencer (June 13, 2024)	15
Cal. R. Ct. 3.542	6
Cal. R. Ct. 3.543	6
Ill. Sup. Ct. R. 384.....	7
Nat’l Ctr. for State Courts, Civil Programs in the Philadelphia Court of Common Pleas: Final Report (Sept. 2004).....	16
Pa. First Judicial District, Annual Report (2023)	14
Pa. R. Civ. P. 213.1	5-6

Pa. R. Civ. P. 1041.2	9
Phila.Civ.R. *1041.1.....	9
Phila. Gen. Ct. Reg. No. 2013-01, Notice to the Mass Tort Bar (C.P. Phila. Cnty. Feb. 7, 2013)	17
Phila. Gen. Ct. Reg. No. 2012-01, In re Mass Tort and Asbestos Programs (C.P. Phila. Cnty. Feb. 15, 2012)	16-17
Tex. R. Jud. Admin. 13.2	7
Tex. R. Jud. Admin. 13.3	7
Tex. R. Jud. Admin. 13.6	7
Tex. R. Jud. Admin. 13.7	7

STATEMENT OF INTEREST

The Chamber of Commerce of the United States of America is the world's largest business federation. As the nation's leading advocate for business, the Chamber represents companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files amicus curiae briefs in cases, like this one, that raise issues of concern to the nation's business community.

The Chamber of Commerce for Greater Philadelphia ("Philadelphia Chamber") serves businesses in the eleven-county Greater Philadelphia region, encompassing Southeastern Pennsylvania, Northern Delaware, and Southern New Jersey. Its mission is to champion business growth and job creation that helps everyone in Greater Philadelphia to thrive. To that end, the Philadelphia Chamber works together with its members, investors, and stakeholders to amplify the impact of business in the region; advocate for a competitive business climate; and grow a vibrant and diverse business community.

No person or entity other than the *amici curiae*, their members, or their counsel paid in whole or in part for the preparation of this brief or authored this brief in whole or in part.

SUMMARY OF THE ARGUMENT

The trial court refused to apply the *forum non conveniens* doctrine in these mass tort actions based on three fundamental errors.

First, the trial court relied on an inapt comparison between the Philadelphia mass tort program and federal multidistrict litigation. A federal multidistrict litigation is a limited, pretrial device, with cases screened by the federal Judicial Panel on Multidistrict Litigation. By contrast, the cases filed in Philadelphia’s mass tort program are unscreened and the trial court retains them through trial. By glossing over key differences between federal multidistrict litigation and Philadelphia’s mass tort program, the trial court misunderstood the importance of the *forum non conveniens* doctrine in this context.

Second, the trial court rejected application of the *forum non conveniens* doctrine because Philadelphia’s mass tort program can efficiently handle a high volume of cases. But the doctrine of *forum non conveniens* is more important—not less—in a setting that invites the

filing of significant numbers of cases with no connection to Pennsylvania. That is why this Court has previously *affirmed* the application of *forum non conveniens* to nonresident claims in Philadelphia's mass tort program. See *Engstrom v. Bayer Corp.*, 855 A.2d 52 (Pa. Super. 2004); *Jessop v. ACF Indus., LLC*, 859 A.2d 801 (Pa. Super. 2004).

Third, the trial court understated the burden that these cases put on the Pennsylvania court system and overstated the community's interest in having them tried here. Significant numbers of out-of-state filings drain the court's resources and impair its service to Pennsylvania citizens and businesses. And the mass tort program's capacity for case management does not relieve the burden on Philadelphia juries of hearing claims that arose elsewhere or avoid the need for Pennsylvania courts to apply the laws of other states.

Proper application of the *forum non conveniens* doctrine promotes the continued efficiency of the mass tort program. Because the trial court's reluctance to apply the doctrine in this setting got the analysis backwards, the Court should reverse.

ARGUMENT

I. In contrast to federal MDL practice and other state mass tort programs, Philadelphia’s mass tort program creates unique challenges for management of out-of-state cases.

The trial court treated the Philadelphia mass tort program’s efficiency as a reason to retain nine cases with no connection to Pennsylvania, asserting that “the motions filed by Moving Defendants are in the context of the coordinated mass tort program with almost 2000 cases.” Op. at 15. It further opined that “there simply is not an administrative difficulty with the cases being handled in Philadelphia” because “[t]he mass tort program is specifically designed to handle a high volume of complex cases with the same set of core facts and defendants.” Op. at 21.

Compounding its overemphasis on the efficiencies of the Philadelphia mass tort program, the trial court analogized it “to federal Multidistrict Litigation practice.” Op. at 3. That comparison ignores the significant differences between practice in federal MDLs and in the mass tort program that weigh strongly in favor of application of *forum non conveniens* here.

A federal MDL is a limited, pretrial device that by default returns cases to their original fora for trial. The federal Judicial Panel on

Multidistrict Litigation is authorized to transfer civil actions “involving one or more common questions of fact” to a single district “for coordinated or consolidated pretrial proceedings.” 28 U.S.C. § 1407(a). “Each action so transferred shall be remanded by the panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred unless it shall have been previously terminated.” *Id.*; *see also Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 40–41 (1998). After remand, the originating court “resumes exclusive jurisdiction.” *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1231 (9th Cir. 2006). A federal MDL thus captures the efficiencies of common pretrial work without requiring the MDL court to try *every* claim.

By contrast, Pennsylvania has “intentionally declined to impose a system similar to that of the federal MDL.” *HTR Rests., Inc. v. Erie Ins. Exch.*, 307 A.3d 49, 69-70 (Pa. 2023). As the comments to Rule of Civil Procedure 213.1 explain, “Pennsylvania does not have legislation governing” coordination of proceedings in multiple counties and lacks “a supervisory body such as the Judicial Panel on Multidistrict Litigation.” Pennsylvania’s approach, embodied in Rule 213.1, “vest[s] authority

only in the judge in the first-filed action” to order coordination and does not limit that coordination to pre-trial proceedings. *HTR Rests.*, 307 A.3d at 69.

Philadelphia’s mass tort program is an additional step removed from federal MDL practice or coordination of cases under Rule 213.1. The mass tort program accepts cases with no screening mechanism and no transfer process. Cases filed in the program remain on a single local county’s docket through trial. As this case reflects, those cases may be filed by plaintiffs located across the country with little or no connection to the Commonwealth. This structure imposes special burdens on the management of litigation that the trial court’s comparison to MDL practice entirely ignored.

Perhaps recognizing such burdens, some other states with mass tort programs have adopted models more similar to a federal MDL. California authorizes the coordination trial judge to remand a coordinated action to the court where it was pending when coordination was ordered, and to transfer coordinated actions to other courts. Cal. R. Ct. 3.542, 3.543. Texas establishes an MDL panel and separates the “pretrial court” from the trial court and permits the pretrial court to

remand cases when “pretrial proceedings have been completed to such a degree that the purposes of the transfer have been fulfilled or no longer apply.” Tex. R. Jud. Admin. 13.7(b); *see id.* 13.2(d)-(e) (defining “trial court” and “pretrial court”); 13.3 (procedure for requesting transfer); 13.6(d) (providing for pretrial court and trial court to confer regarding setting cases for trial). Likewise, Illinois provides for the transfer of actions “for consolidated pretrial, trial, or post-trial proceedings” and requires that actions “transferred for pretrial proceedings only” shall be remanded to the transferor court. *See* Ill. Sup. Ct. R. 384(a)-(b); *see also* Committee Comment (noting that Illinois Rule 384 is “based upon” 28 U.S.C. § 1407). Such systems recognize that coordination need not mean permanent trial retention in one local forum.

By contrast, Philadelphia’s mass tort program has no transferor court. Plaintiffs file claims directly in the program with no screening process, invoking the laws of numerous other states. And unlike a federal MDL, Philadelphia juries overseen by Philadelphia judges decide those claims, no matter their lack of connection to Pennsylvania.

In such a system, the doctrine of *forum non conveniens* takes on even greater importance than elsewhere. It offers one of the few

procedural checks on determining which cases remain in the mass tort program once filed there. The trial court’s analogy to federal MDL practice was thus inapt, overlooking key characteristics of the mass tort program that underscore the continued need for the *forum non conveniens* doctrine.

II. Philadelphia’s mass tort program is a case management tool that heightens the importance of the *forum non conveniens* doctrine rather than displacing it.

The trial court’s reasoning mistakes a case-management tool for a rule of forum selection. Under the *forum non conveniens* doctrine, dismissal or stay of an action is appropriate whenever a trial court “finds that in the interest of substantial justice the matter should be heard in another forum.” 42 Pa.C.S. § 5322(e). The doctrine “applies even where jurisdictional requirements are met.” *Hovatter v. CSX Transp., Inc.*, 193 A.3d 420, 427 (Pa. Super. 2018). It “provides the court with a means of looking beyond technical considerations such as jurisdiction and venue to determine whether litigation in the plaintiff’s chosen forum would serve the interests of justice under the particular circumstances.” *Burnett v. Penn Central Corp.*, 250 A.3d 1240, 1248 (Pa. Super. 2021) (quotation omitted). Accordingly, a court should grant a

forum non conveniens dismissal when specific private- and public-interest factors are satisfied. See *Plum v. Tampax, Inc.*, 160 A.2d 549, 553 (Pa. 1960) (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 508 (1947) and describing *forum non conveniens* factors); see also, e.g., *Engstrom*, 855 A.2d at 58 (affirming *forum non conveniens* dismissal); *Jessop*, 859 A.2d at 807 (same).

Philadelphia’s mass tort program addresses different concerns than the *forum non conveniens* doctrine. The purpose of the mass tort program is to more efficiently manage cases that are properly before it. To that end, the mass tort program coordinates discovery, standardizes pleadings, resolves common motions, and schedules bellwether trials. Those tools address case administration, not the proper forum.

Nothing in the administrative orders that govern the program purports to suspend Section 5322(e) or the case law governing *forum non conveniens*. Instead, “[t]he mass tort program generally draws on the authority of state and local rules for the practices and procedures employed” “to handle and coordinate complex, multi-filed cases.” Op. at 3 (citing Pa. R. Civ. P. 1041.2 and Phila.Civ.R. *1041.1).

The trial court's establishment of a de facto exception to the *forum non conveniens* doctrine for coordinated mass tort proceedings stands in direct conflict with this Court's decisions. For instance, *Engstrom* arose from Philadelphia's coordinated phenylpropanolamine mass tort program, which was housed in the same Complex Litigation Center that administers the Paraquat docket. 855 A.2d at 54 & n.1. As in this case, none of the plaintiffs in *Engstrom* resided in Pennsylvania, and each plaintiff purchased the product, was injured, and was treated elsewhere. *Id.* at 54. And also similarly to this case, the majority of cases in the phenylpropanolamine program involved nonresident plaintiffs. *See id.* at 54 n.1. The trial court dismissed five such nonresident cases under the *forum non conveniens* doctrine, finding "no valid reason that the people of Philadelphia County should bear the burdens of adjudicating th[ese] case[s]." *Id.* at 57. This Court affirmed, rejecting plaintiffs' arguments that the timing of defendants' motion, the discovery already undertaken in the trial court, or public policy interests overrode the principle that plaintiffs' claims would be more appropriately heard in their home states. *Id.* at 57–58.

Jessop likewise applied the doctrine of *forum non conveniens* to a case in Philadelphia’s mass tort program. *See* 859 A.2d at 804. The plaintiff was a Kansas resident who alleged asbestos exposure in Kansas, and the witnesses and evidence were located outside Pennsylvania. *Id.* at 802, 804. Although venue and jurisdiction were appropriate in Pennsylvania, this Court affirmed the trial court’s dismissal for *forum non conveniens*. *Id.* at 806. Notably, the Court applied the doctrine even though—in stark contrast to this case—many of the products at issue were allegedly manufactured in Pennsylvania. *See id.*

This precedent confirms that the *forum non conveniens* doctrine is fully applicable in the mass tort context and has long governed out-of-state plaintiffs’ presence in Philadelphia’s program. Of course, coordination may affect certain factors in the *forum non conveniens* analysis. But this Court has already established that the mere existence of a mass tort program to manage a high volume of litigation does not supplant the *forum non conveniens* doctrine. *See Engstrom*, 855 A.2d at 57–58 (recognizing that significant discovery had been completed in the coordinated actions but nonetheless affirming a *forum*

non conveniens dismissal). The trial court abused its discretion by effectively concluding the opposite.

Other jurisdictions likewise apply the *forum non conveniens* doctrine to cases in their mass tort dockets. For instance, in *Deppa v. Abbott Laboratories, Inc.*, the Illinois Court of Appeals held that even though cases had been consolidated for pretrial proceedings, “[i]t would be patently unfair to burden [local] residents with jury duty and the expense associated with the[] complex trials where plaintiffs’ home states enjoy a predominant connection to the litigation.” 2025 WL 3568304, at *10 (Ill. Ct. App. Dec. 12, 2025). It emphasized that “fairness requires resolving local controversies in the forums most closely connected to the events” and accordingly held that the trial court abused its discretion in refusing to dismiss, for *forum non conveniens*, nearly two dozen cases filed by out-of-state plaintiffs. *Id.* at *12 (quoting *Lutzenkirchen v. OSF Healthcare Sys.*, 276 N.E.3d 605, 623 (Ill. Ct. App. 2025)).

New Jersey’s Appellate Division reached a similar conclusion for foreign claims within a statewide mass-tort docket, recognizing that “importing cases” from other jurisdictions would have a damaging

“effect . . . on our courts and the claims of our residents.” *Rebbeck v. Honeywell Int’l, Inc.*, 2019 WL 1040674, at *4 (N.J. Super. Ct. App. Div. Mar. 5, 2019).

The trial court’s contrary reasoning creates an absurd result and cannot survive abuse of discretion review. The capacity of Philadelphia’s mass tort program leads to a higher case volume and a unique concentration of out-of-state claims. In that context, *forum non conveniens* is a particularly important doctrine, not just for fairness to defendants, but also for directing scarce judicial resources to cases that can be conveniently and effectively tried in this Commonwealth. Far from supplanting the doctrine of *forum non conveniens*, Philadelphia’s mass tort program underscores the doctrine’s continued necessity.

III. The public interest strongly favors application of the *forum non conveniens* doctrine to cases in the Philadelphia mass tort program with no connection to Pennsylvania.

The public has a strong interest in the proper application of the *forum non conveniens* doctrine to Philadelphia’s mass tort program generally, and to this case in particular. Controlling precedent defines the public’s interest in this context through three well-established

factors. The trial court incorrectly held that all three factors “militate strongly in favor of the cases remaining in Philadelphia.” Op. at 21.

First, the public has a strong interest in guarding against the “[a]dministrative difficulties [that] follow for courts when litigation is piled up in congested centers instead of being handled at its origin.”

Plum, 160 A.2d at 553 (quoting *Gulf Oil*, 330 U.S. at 508–09). The trial court brushed aside this concern based on the mass tort program’s capacity “to handle a high volume of complex cases.” Op. at 21. But the ability to coordinate a large number of cases does not eliminate the “administrative difficulties” attendant to a high-volume mass tort docket comprised largely of out-of-state cases.

The mass tort program’s caseload grounds this concern. The First Judicial District’s most recent available annual report, from 2023, reflects a pending inventory in the mass tort program of 4,277 cases. *See* First Judicial District, 2023 Annual Report, at 16.¹ That represents approximately 14% of Philadelphia’s overall civil case load, and over five times as many cases as assigned to Philadelphia’s commerce program. *Id.* at 19.

¹ Available at courts.phila.gov/publications/reports

This appeal arises from the Paraquat docket, which grew from roughly 500 cases at the start of 2024 to nearly 2,000 by mid-2026. *See* Aleeza Furman, Filings in Phila. Paraquat Mass Tort Surge Amid Slowdowns in Federal MDL, Legal Intelligencer (June 13, 2024) (providing 2024 statistic); Op. at 1 (providing 2026 statistic). That rapid surge of cases necessarily puts stress on the Philadelphia court system.

The Philadelphia Court of Common Pleas has long recognized the specific challenges that accompany voluminous dockets driven by out-of-state filings. For instance, in a series of published opinions in the phenylpropanolamine litigation, the Philadelphia Court of Common Pleas dismissed nonresident claims on *forum non conveniens* grounds, explaining that a majority of the relevant docket came from non-Pennsylvanians, that the Commonwealth's judicial resources are finite, that foreign law would govern, and that the program exists to coordinate cases with appropriate Pennsylvania contacts rather than to serve as a national clearinghouse. *See Hunter v. Bayer Corp.*, 65 Pa. D. & C.4th 298, 321–29 (C.P. Phila. 2003); *Heckman v. WE Pharms., Inc.*, 65 Pa. D. & C.4th 523, 549–55 (C.P. Phila. 2004); *Roberts-Hudson v. Bayer Corp.*, 67 Pa. D. & C.4th 73, 115–23 (C.P. Phila. 2004).

Further, in a report prepared under an agreement with the Philadelphia Court of Common Pleas, the National Center for State Courts warned that the Complex Litigation Center had become attractive to filings from across the country and could be overwhelmed. It noted that “[o]ne suggested remedy is for the [Complex Litigation Center] to handle the pretrial portions of mass tort cases, but send the case back to the situs of the alleged tort when it is ready for trial. . . . Another is to be stricter when determining whether Philadelphia is truly the most convenient and appropriate forum.” Nat’l Ctr. for State Courts, Civil Programs in the Philadelphia Court of Common Pleas: Final Report at 49–50 (Sept. 2004).²

Several years later, Philadelphia’s General Court Regulation No. 2012-01 recounted that, after the court invited out-of-state filings, the out-of-state share of asbestos cases climbed to “an astonishing 47%” by 2011. Gen. Ct. Reg. No. 2012-01, In re Mass Tort and Asbestos Programs 1–2 (C.P. Phila. Cnty. Feb. 15, 2012).³ The court

² Available at <https://www.courts.phila.gov/pdf/report/nscs-civil-final-report.pdf>

³ Available at <http://www.courts.phila.gov/pdf/regs/2012/cpajgcr2012-01.pdf>

acknowledged that it was failing to meet timeliness standards in the asbestos program and “may not at the present time meet the needs of the citizens of the Commonwealth . . . while at the same time addressing the claims of non-Pennsylvania residents,” and it “caution[ed] out-of-state plaintiffs to seek other venues.” *Id.* at 2. The Philadelphia Court of Common Pleas recognized the trend again a year later, noting that out-of-state filings comprised 44% of asbestos cases and 86% of pharmaceutical cases. Gen. Ct. Reg. No. 2013-01, Notice to the Mass Tort Bar at 1 (C.P. Phila. Cnty. Feb. 7, 2013).⁴

The Paraquat program follows this pattern. Based on verified disclosures, the appellants have represented that over 91% of the cases in this mass tort program lack any meaningful connection with the Commonwealth. Contrary to the trial court’s conclusion, this volume of out-of-state cases inevitably imposes unnecessary stress on the court’s administrative processes.

Second, “[j]ury duty is a burden that ought not to be imposed upon the people of a community which has no relation to the litigation.”

⁴ Available at <https://www.courts.phila.gov/pdf/regs/2013/cpajgcr2013-01.pdf>

Plum, 160 A.2d at 553 (quoting *Gulf Oil*, 330 U.S. at 508–09). The ability of the Philadelphia mass tort program to coordinate a high volume of cases does nothing to relieve Philadelphians of the burden of serving as jurors in trials that have no connection to Pennsylvania.

Currently, over 43% of Philadelphians receiving a jury summons simply ignore it, and nearly 20% more are disqualified or exempted. *See* Administrative Office of Pennsylvania Courts, 2024 Court of Common Pleas Caseload Statistics for Philadelphia County, at 19.⁵ Forcing jurors to adjudicate hundreds of cases that lack any connection to their community will only further depress juror engagement.

The trial court believed that “the citizens of Philadelphia absolutely have an interest or relationship to this litigation.” *Op.* at 23. It noted that “Chevron USA, Inc. is incorporated in Pennsylvania,” the now-dismissed “FMC Corporation is headquartered in Philadelphia,” and “Philadelphia jurors have an obvious interest in adjudicating claims against Pennsylvania corporations.” *Id.*

⁵ Available at <https://www.pacourts.us/Storage/media/pdfs/20251209/195415-philadelphiacounty.pdf>

That reasoning ignores this Court’s precedent on this public-interest factor. For example, in *Wright v. Consolidated Rail Corp.*, 215 A.3d 982, 996 (Pa. Super. 2019), the Court held that a defendant’s incorporation in Pennsylvania and headquarters in Philadelphia did “not preclude dismissal based on *forum non conveniens*.” Instead, “[i]n considering the public interest as it relates to a plaintiff’s choice of forum under Section 5322(e), [the Court’s] case law recognizes that imposing jury duty and court costs on communities with no relation to the plaintiff’s claim weighs in favor of transferring a case.” *Id.* Applying that controlling law, this Court dismissed for *forum non conveniens*. See also *Ficarra v. Consol. Rail Corp.*, 242 A.3d 323, 337 (Pa. Super. 2020) (ordering the dismissal for *forum non conveniens* in eight cases against a Pennsylvania corporation headquartered in Philadelphia).

Similarly, in *Jessop*, this Court agreed that Pennsylvania’s purported “interest in insuring its corporate citizens do not cause harm anywhere in the country” did not overcome the plaintiff’s failure “to prove the facts of this case bear any connection to this Commonwealth.” 855 A.2d at 807. Under those circumstances, there was “simply no valid reason that the people of Philadelphia County should bear the burdens

of adjudicating this case.” *Id.* at 804 (quoting trial court opinion). That same reasoning applies here.

Instead of focusing on the interests of Philadelphians and Pennsylvanians under its *forum non conveniens* analysis, the trial court inexplicably focused on the interests of other states. According to the trial court, “the potential burden on the origin courts to manage such complex cases is alleviated by having the cases centralized in Philadelphia.” Op. at 21-22. By concentrating on the benefits of coordination for origin courts—rather than on the impact hundreds of trials would have on citizens of Philadelphia—the trial court misapplied this Court’s precedent on the public interest.

Third, “[t]here is an appropriateness . . . in having the trial . . . in a forum that is at home with the state law that must govern the case, rather than having a court in some other forum untangle problems in conflict of laws, and in law foreign to itself.” *Plum*, 160 A.2d at 553 (quoting *Gulf Oil*, 330 U.S. at 509). The mass tort program’s ability to coordinate cases does not relieve the burden on the judiciary, the parties, and counsel of having to resolve complicated issues of foreign law. See *Engstrom*, 855 A.2d at 57 (noting that “needless legal

complexity” would arise “because of the necessity ‘to engage in a conflict of laws analysis and to apply unfamiliar foreign law’”) (quoting trial court opinion). And in any mass tort action involving claims from across the country, there will inevitably be questions of foreign law.

The trial court minimized this concern by noting that the appellants had failed to identify an issue that “would be too difficult or burdensome” for the court to resolve. Op. at 24. But in a mass tort program with hundreds of out-of-state cases, there will undoubtedly be burdens in determining and applying the law of other states. The “institutional expertise of the mass tort program” does not make that task any less challenging. *Id.* Dismissal for refiling in the proper forum would.

The doctrine of *forum non conveniens* serves the public interest particularly strongly in the mass tort context. The trial court’s decision was an abuse of discretion.

CONCLUSION

For the foregoing reasons, the trial court's order should be reversed.

Respectfully submitted,

/s/ Robert M. Palumbos
Robert M. Palumbos
Andrew R. Sperl
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103
(215) 979-1000

*Counsel for Amici Curiae the Chamber of
Commerce of the United States of
America and the Chamber of Commerce
for Greater Philadelphia*

Of Counsel:
Jennifer B. Dickey
Kevin R. Palmer
U.S. Chamber Litigation Center
1615 H Street, NW
Washington, DC 20062
(202) 463-5337

August 17, 2026

CERTIFICATES OF COMPLIANCE

1. I certify that this document complies with the word limit of Pa.R.A.P. 531(b)(3) because, excluding the parts of the document exempted by Pa.R.A.P. 1115(g), this document contains 3,938 words.

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

/s/ Robert M. Palumbos
Robert M. Palumbos
Pa. I.D. 200063
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103
(215) 979-1000
RMPalumbos@duanemorris.com

August 17, 2026