IN THE SUPREME COURT OF PENNSYLVANIA

14 EAP 2022

Ronald Scott Hangey and Rosemary Hangey H/W,
Plaintiffs/Appellees,

v.

Husqvarna Professional Products, Inc., Husqvarna Group, Husqvarna U.S. Holding, Inc., Husqvarna AB, and Trumbauer's Lawn & Recreation, Inc.,
Defendants/Appellants.

Appeal of: Husqvarna Professional Products, Inc., Husqvarna Group, Husqvarna U.S. Holding, Inc., Husqvarna AB, and Trumbauer's Lawn and Recreation, Inc.

BRIEF OF *AMICI CURAE* THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, THE PENNSYLVANIA COALITION FOR CIVIL JUSTICE REFORM, THE PENNSYLVANIA CHAMBER OF BUSINESS AND INDUSTRY, THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS, THE PENNSYLVANIA MANUFACTURERS ASSOCIATION, THE PENNSYLVANIA MEDICAL SOCIETY, AND LEADINGAGE PA

Appeal from an Order of the Superior Court entered March 8, 2021 at 3298 EDA 2017, Reversing the Orders of the Court of Common Pleas of Philadelphia County, Pennsylvania entered September 8, 2017

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STATEMENTS OF INTEREST OF AMICI CURAE[1]

The Chamber of Commerce of the United States of America, the Pennsylvania Coalition for Civil Justice Reform, the Pennsylvania Chamber of Business and Industry, the National Federation of Independent Business, the Pennsylvania Manufacturers Association, the Pennsylvania Medical Society, and LeadingAge PA ("Amici") and their various members are concerned with the unfair application of venue rules to businesses across the nation.

Businesses and professional-services providers, which are frequently defendants in litigation, have a strong interest in consistent and fair guidelines that would assist lower courts in determining the appropriateness of venue in a forum that lacks a substantial relationship to any of the parties or the underlying claim but is widely perceived as a favorable forum for certain classes of parties, or known for awarding

[1] Pursuant to Pennsylvania Rule of Appellate Procedure 531(a)(2), no one other than the Amici, their members, and their counsel paid for or authored this brief in whole or in part. Moreover, no entity or person, aside from Amici, their members, or their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

higher damages than would be the case in a forum that has a substantial relationship to the parties or claim. Amici believe that this case presents an important opportunity to address this issue in Pennsylvania. Amici have an important interest in ensuring that Pennsylvania has fair and consistent guidelines for venue that would assure that venue rules are not misused for inappropriate forum shopping but instead serve the purpose of requiring that suits be filed in forums with a substantial relationship to the parties or the underlying claim.

The **Chamber of Commerce of the United States of America** ("Chamber") is the world's largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than three million 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 **Pennsylvania Coalition for Civil Justice Reform** ("PCCJR") is a statewide, nonpartisan alliance of organizations and individuals representing health care providers, professional and trade associations, businesses, nonprofit entities, taxpayers, and other perspectives. The Coalition 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** is the largest broad-based business association in Pennsylvania. It has close to 10,000 member businesses throughout Pennsylvania, which employ more than half of the Commonwealth's private workforce. Its members range from small companies to mid-size and large business enterprises. The Pennsylvania Chamber's mission is to advocate on public policy issues that will expand private sector job creation, to promote an improved and stable business climate, and to promote Pennsylvania's economic development for the benefit of all Pennsylvania citizens.

The **National Federation of Independent Business** ("NFIB") is the nation's leading small business association. Its membership spans the spectrum of business operations, ranging from sole proprietor enterprises to firms with hundreds of employees. Founded in 1943 as a nonprofit, nonpartisan organization, NFIB's mission is to promote and protect the right of its members to own, operate, and grow their businesses.

Since its founding in 1909, the **Pennsylvania Manufacturers' Association** ("PMA") has served as a leading voice for Pennsylvania manufacturing, its 540,000 employees on the plant floor, and the millions of additional jobs in supporting industries. From its headquarters in the Frederick W. Anton, III, Center, across from the steps to the State Capitol Building in Harrisburg, PMA seeks to improve the Commonwealth's competitiveness by promoting pro-growth public policies that reduce the cost of creating and keeping jobs in Pennsylvania. PMA has forcefully advocated for civil justice reforms that will bring balance and stability to Pennsylvania's legal system.

The **Pennsylvania Medical Society** ("PAMED"), a Pennsylvania non-profit corporation, represents physicians of all medical specialties and advocates on behalf of the Commonwealth's physicians and their patients. The Medical Society, as Pennsylvania's largest physician organization, regularly participates as an amicus curiae before this Honorable Court in cases addressing important health care issues, including issues that have the potential to adversely impact the quality of medical care.

LeadingAge PA is a trade association representing more than 370 quality senior housing, health care, and community services across the Commonwealth. These providers serve more than 75,000 older Pennsylvanians and employ over 50,000 dedicated caregivers on a daily basis. Services offered by LeadingAge PA's members include life plan communities/continuing care retirement communities, skilled nursing communities, assisted living residences, personal care homes, and affordable senior housing. LeadingAge PA advocates on behalf of our members at the state and local levels to influence positive change and affect

a healthy vision for the delivery of quality, affordable, and ethical care for Pennsylvania's seniors.

INTRODUCTION AND SUMMARY OF ARGUMENT

This Court, like the Supreme Court of the United States, has long understood that the law should not allow a plaintiff to sue in a venue that lacks a substantial relationship to the parties or the underlying claim. The Superior Court's ruling undermines this principle by allowing a plaintiff to sue a corporate defendant in a venue with which the corporation's only relationship is an insubstantial and *de minimis* portion of its overall business and operations and where the venue lacks any other relationship either to the claim or to the other parties.

This Court should reject the Superior Court's approach. The Court should hold that when the sole basis for venue is that a defendant "regularly conducts business" in the forum, *see* Pa.R.Civ.P. 2179(a)(2), a trial court should dismiss the case for lack of proper venue where the defendant's business in the forum is a *de minimis* percentage of its overall sales and operations.

This interpretation of Rule 2179(a)(2) would further the Rule's broader goal: to assure that the forum selected for suit has a "substantial relationship" with the parties or the underlying claim. *Cnty. Constr. Co. v. Livengood Constr. Corp.*, 142 A.2d 9, 13 (Pa. 1958). This interpretation of the Rule would also "protect [] defendant[s] against the risk that a plaintiff will select an unfair or inconvenient place of trial." *LeRoy v. Great W. United Corp.*, 443 U.S. 173, 183–84 (1979) (emphasis omitted) (discussing the purpose of statutory venue restrictions in the federal court system).

This holding would implement the broader logic of Rule 2179. Rule 2179 allows venue for a suit against a corporate defendant in: (1) its county of registration or its principal place of business; (2) a county where the defendant regularly conducts business; (3) the county where the cause of action arose; (4) the county where the occurrence that gave rise to the cause of action took place; or (5) a county where property is located as to which equitable relief is sought in the action. In the context of the Rule, the "regularly conducts business" prong functions as a "catch-all" to allow plaintiffs to sue in counties in which a corporate defendant has substantial

operations. But the Superior Court's ruling expands this "regularly conducts business" catch-all so much that this option swallows the other bases for venue in suits against large corporate defendants. Such an interpretation is not justified by either the text or the purpose of the Rule.

For these reasons, this Court should allow a trial court to dismiss for lack of venue when the plaintiff has failed to show that any defendant does more than a negligible percentage of its business in the forum. This approach would implement the broader scheme of Rule 2179, prevent unjust forum shopping, mitigate the Commonwealth's docket-management issues in its urban courts, and protect Pennsylvania's citizens and small businesses.

ARGUMENT

This Court Should Adopt a More Rigorous Standard for Establishing Venue under Pennsylvania Rule of Civil Procedure 2179(a)(2).

A. This Court Has Interpreted Rule 2179(a)(2) to Require Courts to Consider the Quality and Quantity of a Corporation's Contacts with the Forum in Determining Whether Venue is Proper.

Pennsylvania Rule of Civil Procedure 2179 governs venue in cases in which a corporate or similar entity is a defendant. The purpose of

Rule 2179 is "to permit a plaintiff to institute suit against the defendant in the county most convenient for him and his witnesses and to assure that the county selected ha[s] a substantial relationship to the controversy between the parties and was thereby a proper forum to adjudicate the dispute." *Livengood Constr. Corp.*, 142 A.2d at 13.

The Rule states:

> (a) Except as otherwise provided by an Act of Assembly, by Rule 1006(a.1) or by subdivision (b) of this rule, **a personal action against a corporation or similar entity may be brought in and only in**
>
> > (1) the county where its registered office or principal place of business is located;
> >
> > (2) **a county where it regularly conducts business**;
> >
> > (3) the county where the cause of action arose;
> >
> > (4) a county where a transaction or occurrence took place out of which the cause of action arose, or
> >
> > (5) a county where the property or a part of the property which is the subject matter of the

> action is located provided that equitable relief is sought with respect to the property.

Pa.R.Civ.P. 2179 (emphasis added). Civil Rule 1006(e) provides a procedural mechanism for a defendant to enforce Rule 2179 by challenging improper venue by preliminary objection. *See also* Pa.R.Civ.P. 1028(a)(1).

This Court has construed subsection (a)(2) of Rule 2179 to allow a plaintiff to bring suit against a corporate defendant in any forum in which the corporate defendant's contacts with the forum are of sufficient "quantity" and "quality" to establish that the corporate defendant "regularly conducts business" in the forum. *Purcell v. Bryn Mawr Hosp.*, 579 A.2d 1282, 1285 (Pa. 1990).

Under this "quality-quantity" standard, "'[q]uality of acts' means 'those directly [] furthering[,] or essential to, corporate objects; they do not include incidental acts.'" *Id.* (quoting *Shambe v. Del. & Hudson R.R. Co.*, 135 A. 755, 757 (Pa. 1927)). Such "incidental" acts are in "aid of a main purpose," whereas "direct" acts are "those necessary to its existence." *Id.* (quoting *Shambe*, 135 A. at 758).

"Quantity means those acts which are 'so continuous and sufficient to be general or habitual.'" *Id.* (quoting *Shambe*, 135 A. at 757). A defendant "may perform acts 'regularly' even though these acts make up a small part of its total activities." *Canter v. Am. Honda Motor Corp.*, 231 A.2d 140, 142 (Pa. 1967). In applying this prong of the test, this Court has looked to the percentage of the corporate defendant's overall business that the corporate defendant conducts in the forum to adjudge whether the corporate defendant may be sued in the forum. *See, e.g., Monaco v. Montgomery Cab Co.*, 208 A.2d 252, 256 (Pa. 1965) (considering the "percent of [the defendant's] gross business" that was conducted in the forum); *Canter*, 231 A.2d at 142 (same).

B. This Court Should Not Adopt the Superior Court's Interpretation of the "Quality-Quantity" Test, which Functionally Eliminates the "Quantity" Prong of the Test and Frequently Allows the "Regularly Conducts Business" Prong to Swallow the Other Provisions of Rule 2179.

The Superior Court ruled that although "courts often consider whether the percentage of a defendant's business is sufficient to constitute 'habitual' contact," no court has held "that the percentage of a defendant's

business is the sole evidence relevant to the 'quantity' analysis." *Hangey v. Husqvarna Prof. Prods., Inc.*, 247 A.3d 1136, 1141 (Pa.Super. 2021). Instead, the Court ruled:

> The percentage of a company's overall business that it conducts in a given county, standing alone, is not meaningful and is not determinative of the "quantity" prong. Each case turns on its own facts, and we must evaluate evidence of the extent of a defendant's business against the nature of the business at issue. A small or local business may do all of its work in just a few counties or even a single one, while a large business may span the entire nation. Indeed, the percentage of sales a multi-billion-dollar company makes in a particular county will almost always be a tiny percentage of its total sales. Courts thus should not consider percentages in isolation. Rather, courts must consider all of the evidence in context to determine whether the defendant's business activities in the county were regular, continuous, and habitual.

Id. at 1142.

On this basis, the Superior Court reversed the trial court's ruling that the Husqvarna Defendants' contacts with Philadelphia were insufficient to establish venue in the forum. Specifically, the trial court found that because Husqvarna Professional Products, Inc. ("HPP") derived only

0.005% of its national sales in Philadelphia, it could not be sued in Philadelphia under Rule 2179(a)(2) because its contacts with Philadelphia did not meet the "quantity" prong of the quality-quantity test. The Superior Court noted that "HPP is a multi-billion-dollar corporation" that "had at least one authorized dealer located in Philadelphia to which it delivered products for sale." *Id.* The Superior Court ruled that "[t]he number and dollar figure of sales in Philadelphia, and the fact that HPP has an authorized dealer in Philadelphia to sell its products, is relevant to the determination of whether HPP's contacts with Philadelphia satisfied the 'quantity' prong of the venue analysis" and that therefore "the trial court erred in relying almost exclusively on evidence of the percentage of defendant's business that occurred in Philadelphia when addressing the quantity prong." *Id.* The Superior Court also held that, based on the totality of the evidence, HPP's contacts satisfied the quantity prong of the venue test because they were "sufficiently continuous so as to be considered habitual." *Id.* at 1143 (quoting *Zampana-Barry v. Donaghue*, 921 A.2d 500, 504 (Pa.Super. 2007)).

The Superior Court's ruling prohibits trial courts from dismissing cases for lack of venue on the basis that the plaintiff has failed to show that any one defendant does more than a negligible percentage of its business in the forum. This ruling functionally eliminates this Court's requirement that courts consider the "quantity" of a corporate defendant's contacts with the forum when determining whether venue is appropriate as to larger corporate defendants. It allows a plaintiff to sue a defendant—especially a large defendant—nearly anywhere in the Commonwealth, even if the forum has no relation to the claims or to the parties in the case, as long as the corporate defendant does even a miniscule portion of its business in the forum. It vitiates the other requirements of Rule 2179, which require closer ties to the forum, and undermines the purpose of the Rule "to assure that the county selected ha[s] a substantial relationship to the controversy between the parties and was thereby a proper forum to adjudicate the dispute." *Livengood Constr. Corp.*, 142 A.2d at 13.

C. The Superior Court's Ruling Harms Pennsylvania's Citizens and Small Businesses and Promotes Poor Public Policy.

The Superior Court's interpretation of the Rule 2179(a)(2) "quality-quantity" standard—especially in the context of Pennsylvania's venue rules more generally—substantially harms Pennsylvania's citizens and its small businesses. To promote good public policy and prevent the detriments caused by forum shopping, this Court should adopt a more rigorous standard for establishing venue under Rule 2179(a)(2).

1. The Superior Court's ruling allows many plaintiffs to unfairly shop for and select forums with no connection to their claim.

The Superior Court's proposed interpretation of Rule 2179(a)(2) allows a plaintiff to sue a large corporate defendant and its allegedly jointly and severally liable co-defendants in a forum with little or no relationship to the claims in the case as long as one defendant does any *de minimis* amount of business, directly or indirectly, in the forum. As a result, the Superior Court's ruling allows rampant and unjust "forum shopping" in the Commonwealth. *See* Forum-Shopping, Black's Law Dictionary (11th ed. 2019) ("The practice of choosing the most favorable jurisdiction or court

in which a claim might be heard. A plaintiff might engage in forum-shopping, for example, by filing suit in a jurisdiction with a reputation for high jury awards . . . ."). The Superior Court's ruling permits plaintiffs to select a far-flung forum for suit for the sole purpose of obtaining an unfair advantage that is not related to the merits of the suit under governing law.

This Court should not permit such an outcome. This Court explicitly disapproves of forum shopping in a variety of contexts. *See, e.g.*, *Craig v. W. J. Thiele & Sons, Inc.*, 149 A.2d 35, 37 (Pa. 1959) (interpreting Rule 2179 so as to avoid an outcome that "would lead only to confusion and a practice which we have heretofore referred to as 'forum shopping'"); *cf. also*, *e.g.*, *Commonwealth v. Bethea*, 828 A.2d 1066, 1077 (Pa. 2003) (disapproving of prosecutorial "forum shopping" in criminal cases); *Stackhouse v. Commonwealth*, 832 A.2d 1004, 1008 (Pa. 2003) (same). The Supreme Court of the United States has also long discouraged forum shopping in foundational rulings on federal civil procedure and other issues. *See, e.g.*, *Hanna v. Plumer*, 380 U.S. 460, 468 (1965) (describing "discouragement of

forum-shopping" as a motivating force behind the Court's decision in *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938)).

Forum shopping undermines a defendant's right to have claims tried in a forum in which it can fairly defend itself. Forum shopping also delinks the outcome of a case from governing law by allowing for suit in a forum on the sole basis that plaintiff's counsel anticipates an advantage from favorable jury verdicts or sympathetic tribunals, not governing law.

To avoid such unjust outcomes, this Court should limit venue to forums with a closer, more substantial relationship to the claims and parties. The other prongs of Rule 2179 do exactly this: Rule 2179(a)(1) allows suit in a corporation's principal place of business; Rule 2179(a)(4) allows suit in the forum in which the events occurred that created the cause of action at issue. This Court should not interpret Rule 2179(a)(2) so broadly as to swallow these other, more appropriate, requirements for suit. This Court should instead interpret "regularly conduct business" under Rule 2179(a)(2) as requiring a sufficient amount of business as to create a

"substantial relationship" between the defendant and the forum. *Livengood Constr. Corp.*, 142 A.2d at 13.

a. As currently construed by this Court, Pennsylvania Rule of Civil Procedure 1006(d) does not provide a viable alternative for courts to prevent unfair forum shopping.

In theory, Pennsylvania Rule of Civil Procedure 1006(d)(1), which allows transfer for the "the convenience of the parties," could provide defendants an alternative procedural mechanism for relief when a plaintiff has unfairly filed suit in a forum that is technically proper under Rule 2179 but is otherwise unjust or unfair. *See* Pa.R.Civ.P. 1006(d)(1), (2). The reality of Pennsylvania's broader law of venue does not accord with this theoretical possibility.

Pennsylvania's heightened standard for intrastate forum *non conveniens* makes it very difficult for defendants to use this mechanism to successfully defend against forum shopping. Specifically, this Court ruled in *Cheeseman v. Lethal Exterminator, Inc.*, 701 A.2d 156, 162 (Pa. 1997), that "a petition to transfer venue should not be granted unless the defendant meets its burden of demonstrating, **with detailed information on the**

record, that the plaintiff's chosen forum is **oppressive or vexatious** to the defendant." (emphasis added). In cases in which plaintiff's choice of forum is unjust, unfair, and unlinked to the claims at issue, but does not rise to the level of being "oppressive or vexatious," defendants are left with no recourse to ensure suit in an appropriate forum.

Accordingly, this Court should require that plaintiffs make a more substantial showing under Rule 2179(a)(2) that a corporate defendant has more than a *de minimis* commercial link to the forum in which the corporate defendant faces suit. Rule 1006(d) provides no real alternative mechanism for achieving this purpose. *Cheeseman*, 701 A.2d at 162.

2. The Superior Court's ruling will exacerbate strains on the courts in Pennsylvania's urban centers, thereby impeding the residents of such counties from efficiently accessing justice.

By allowing plaintiffs to file suit against large business organizations in nearly any court in the Commonwealth, the Superior Court's ruling allows the plaintiffs' bar to overload the court systems in what are widely perceived as plaintiff-preferred forums. These forums are already unable properly to serve the needs of residents of those forums who are often

constrained to file suit in their own backlogged "home" court. The Superior Court's ruling adds to this injustice.

Pennsylvania's Courts of Common Pleas are profoundly unequal in this regard. Compare, for example, the docket of the Philadelphia Court of Common Pleas with that of less populous Clinton County. Philadelphia has roughly 42 times as many residents as Clinton County,[2] but the Philadelphia Court of Common Pleas civil docket has roughly ***260 times*** as many pending civil cases. Details about the age of pending cases show that these issues are not simply a matter of volume: as of December 31, 2020, there were ***seven times*** as many cases pending in the Philadelphia Court of Common Pleas ***for more than six years*** than were pending on ***the entire***

[2] These population estimates are taken from the United States Census Bureau's most recent population estimates from July 2021, according to which the population of Philadelphia County was 1,576,251 and the population of Clinton County was 37,465. *See* U.S. Census Bureau, QuickFacts Tool, https://www.census.gov/quickfacts/fact/table/philadelphiacountypennsylvania,clintoncountypennsylvania/PST045221 (last accessed July 21, 2022).

Clinton County civil docket.[3] 13.3% of cases on the Philadelphia Court of Common Pleas civil docket as of May 2022 have been pending longer than 5 years; Clinton County does not have a single such case on its docket.[4]

The Superior Court's ruling exacerbates these inequalities by allowing plaintiffs to bring suit in—for example—the Philadelphia Court of Common Pleas for any claim against a business that has any *de minimis* operations in Philadelphia. Residents of Philadelphia and other clogged

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[3] The figures for civil case counts are based on the Administrative Office of Pennsylvania Courts' most recent reports on civil caseloads. *See* Administrative Office of Pennsylvania Courts, 2020 Annual Caseload Statistics Report, Clinton County, at 3 (published August 19, 2021), https://www.pacourts.us/Storage/media/pdfs/20211223/182823-clinton.pdf (last accessed July 21, 2022) (134 active civil cases in Clinton County); Administrative Office of Pennsylvania Courts, 2020 Annual Caseload Statistics Report, Philadelphia County, at 3 (published October 5, 2021), https://www.pacourts.us/Storage/media/pdfs/20211223/182929-philadelphia.pdf (last accessed July 21, 2022) (34,808 active civil cases in Philadelphia County).

[4] This information is based on the Administrative Office of Pennsylvania Courts' online publication entitled Caseload Highlights of the Unified Judicial System of Pennsylvania: Common Pleas Court Clearance Rate (updated July 21, 2022), https://public.tableau.com/app/profile/aopc/viz/CaseloadHighlights-CommonPleasCourtClearanceRate/PendingsDB (last accessed July 21, 2022).

court systems would often be forced to bring their claims in an even more unfairly and unnecessarily overloaded forum in which their cases may linger for years. Such a result also disrespects the courts in smaller counties and arbitrarily disadvantages the members of the bar of those counties. To avoid these problems, this Court should adopt a more stringent requirement for Rule 2179(a)(2).

3. If not corrected, the Superior Court's ruling will unfairly harm Pennsylvania's small businesses and make Pennsylvania a less attractive place to do business in general.

Pennsylvania's small businesses—like the Trumbauer Defendant in this case—will face the prospect of more frequent suit in forums with which they have no contacts, as long as they are alleged to be jointly and severally liable with a larger Pennsylvania business. This Court should take steps to avoid these outcomes.

Under Pennsylvania law, a plaintiff must only substantiate venue against one jointly and severally liable tortfeasor. *See* Pa.R.Civ.P. 1006(c)(1) (allowing that suit alleging joint and several liability "may be brought against all defendants in any county in which the venue may be laid

against any one of the defendants"). By lowering the standard for establishing venue against large corporate defendants, the Superior Court's rule also drags smaller co-defendants into court in forums with which the small business has no contact. A small business with its only operations in Erie County could be haled into court in Philadelphia hundreds of miles away (and several hours by automobile) as long as a co-defendant does any *de minimis* business in Philadelphia. This Court should not permit such a result to come to fruition except as absolutely necessary under the language of Rule 2179(a)(2).

If left uncorrected, the Superior Court's ruling would also arbitrarily discriminate against large businesses, making it more difficult for some of Pennsylvania's most popular businesses to serve Pennsylvania's citizens in an efficient and inexpensive manner. The Superior Court explicitly targeted "multi-billion-dollar corporations." *Hangey*, 247 A.3d at 1142; *compare id.* at 1146 (Stabile, J., dissenting) (size of defendant "is entirely irrelevant to [the] question before us"). By subjecting larger businesses to suit across the Commonwealth and allowing plaintiffs to select forums on

the basis of criteria completely unrelated to the convenience of the parties or the merits of the dispute, the Superior Court's ruling contributes to a hostile business environment in the Commonwealth. According to the Institute for Legal Reform (a program of the U.S. Chamber of Commerce), Pennsylvania's liability system ranks 39th amongst the states in its fairness and reasonableness, as perceived by U.S. businesses.[5] Pennsylvania's business environment should not be made more hostile.

CONCLUSION

This Court should vacate the Superior Court's decision and adopt a more rigorous standard for establishing venue against corporate defendants under Pennsylvania Rule of Civil Procedure 2179(a)(2).

[5] *See* U.S. Chamber Institute for Legal Reform, 2019 Climate Survey: Ranking the States, A Survey of the Fairness and Reasonableness of State Liability Systems, at 1-3 (Sept. 2019), https://instituteforlegalreform.com/wp- content/uploads/2020/10/2019-Lawsuit-Climate-Survey-Ranking-the-States.pdf (last accessed July 20, 2022).

July 21, 2022

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE—Pa.R.A.P. 127

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.

July 21, 2022

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CERTIFICATE OF COMPLIANCE—Pa.R.A.P. 2135

Pursuant to Pa.R.A.P. 2135, I certify that this Brief complies with the word-count limit set forth in Rule 2135. Based on the word-count function of the word processing system used to prepare the Brief, the substantive portions of the Brief (as required under Rules 531 and 2135(b), (d)) contain 4290 words.

July 21, 2022

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