

J-A09038-23

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

THE SCRANTON CLUB	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
TUSCARORA WAYNE MUTUAL	:	No. 238 MDA 2021
GROUP, INC., SUSQUEHANNA	:	
CAPITAL CORP., TUSCARORA WAYNE	:	
INSURANCE COMPANY, TUSCARORA	:	
WAYNE MUTUAL INSURANCE	:	
COMPANY	:	

Appeal from the Order Entered January 25, 2021
 In the Court of Common Pleas of Lackawanna County Civil Division at
 No(s): 20 CV 2469

BEFORE: PANELLA, P.J., OLSON, J., and KUNSELMAN, J.

CONCURRING STATEMENT BY OLSON, J.: FILED: SEPTEMBER 12, 2023

I acknowledge that the language of the policy at issue is virtually identical to the policy language in ***Ungarean v. CNA***, 286 A.3d 353 (Pa. Super. 2022), *appeal granted*, 2023 WL 4530166 (2023); therefore, we are bound by that decision of the Court *en banc*. However, I believe that ***Ungarean*** was wrongly decided for the reasons set forth in Judge Stabile’s dissent. ***Id.*** at 386-393 (Stabile, J., dissenting).