

MACMILES, LLC D/B/A GRANT
STREET TAVERN

: IN THE SUPERIOR COURT OF
: PENNSYLVANIA

v.

ERIE INSURANCE EXCHANGE

:
: No. 1100 WDA 2021

Appellant

Appeal from the Order Entered May 25, 2021
In the Court of Common Pleas of Allegheny County Civil Division at
No(s): GD 20-007753

BEFORE: PANELLA, P.J., BENDER, P.J.E., BOWES, J., LAZARUS, J., STABILE,
J., KUNSELMAN, J., NICHOLS, J., McLAUGHLIN, J., and KING, J.

CONCURRING STATEMENT BY PANELLA, P.J.: **FILED: NOVEMBER 30, 2022**

I respectfully concur with the result reached by the majority although I do not join in the opinion. I reach this conclusion, which is different from the relief I grant in the related case, *Ungarean et al v. CNA et al*, Nos. 490 WDA 2021 & 948 WDA 2021 (Pa. Super. 2022), because these cases, in which the Court must address coverage issues, are fact intensive matters which require, in each case, a review of the individual policy. We must base our decision solely on the policy’s language. Therefore, I write separately to highlight that our review of MacMiles’s claims is restricted to the “specific terms employed” in Erie’s policy. *See Harleysville Ins. Cos. v. Aetna Cas & Sur. Ins. Co.*, 795 A.2d 383, 387 (Pa. 2002).

Judges Lazarus, Kunselman, and Nichols join this concurring statement.