

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

THE BERT COMPANY D/B/A
NORTHWEST INSURANCE SERVICES

v.

MATTHEW TURK, WILLIAM COLLINS,
JAMIE HEYNES, DAVID MCDONNELL,
FIRST NATIONAL INSURANCE AGENCY,
LLC, FIRST NATIONAL BANK, AND FNB
CORPORATION

PETITION OF: MATTHEW TURK, FIRST
NATIONAL INSURANCE AGENCY, LLC,
FIRST NATIONAL BANK, AND FNB
CORPORATION

THE BERT COMPANY D/B/A
NORTHWEST INSURANCE SERVICES

v.

MATTHEW TURK, WILLIAM COLLINS,
JAMIE HEYNES, DAVID MCDONNELL,
FIRST NATIONAL INSURANCE
AGENCY, LLC, FIRST NATIONAL BANK
AND FNB CORPORATION

MATTHEW TURK

v.

THE BERT COMPANY, NORTHWEST
BANK, AND NORTHWEST BANCSHARES,
INC.

: No. 320 WAL 2021
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: Petition for Allowance of Appeal
: from the Order of the Superior Court

: No. 321 WAL 2021
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: Petition for Allowance of Appeal
: from the Order of the Superior Court

PETITION OF: MATTHEW TURK, FIRST :
NATIONAL INSURANCE AGENCY, LLC, :
FIRST NATIONAL BANK, AND FNB :
CORPORATION :

ORDER

PER CURIAM

AND NOW, this 29th day of March, 2022, the Petition for Allowance of Appeal is **GRANTED**, limited to the following issues, as phrased by Petitioners:

- a. Whether, in cases where the compensatory damages award is substantial, a punitive-to-compensatory damages ratio exceeding 9:1 is presumptively unconstitutional under U.S. Supreme Court precedent?
- b. Whether in cases involving joint and several liability—where compensatory damages are awarded, cumulatively, against all defendants and not on an individualized basis—the constitutionally permissible ratio of punitive-to-compensatory damages is calculated on a per-judgment basis and not a per-defendant basis?
- c. Whether, in reviewing the constitutionality of a punitive damages award, a court cannot consider the speculative potential harm that the plaintiff could have suffered and introduce it as a *post hoc* justification for the award, especially when the plaintiff did not present evidence of potential harm to the jury?

In all other respects, the petition is **DENIED**. Additionally, the PCCJR's application to file an *amicus* brief in support of granting allowance of appeal is dismissed as moot.