

SUPREME COURT OF PENNSYLVANIA

Sackett v. Nationwide Mutual Insurance Co.

934 A.2d 1155 (Pa. 2007) · Decided October 16, 2007

SUMMARY

The Supreme Court of Pennsylvania granted Nationwide Mutual Insurance Company's application for reargument concerning the court's prior decision interpreting Pennsylvania's Motor Vehicle Financial Responsibility Law and UM/UIM stacking waivers. The order allowed the Sacketts to file a response and denied several amicus applications. Justice Baldwin dissented, joined by Chief Justice Cappy, arguing that Nationwide's policy and industry-consequence concerns did not satisfy the standards for reargument under Pa.R.A.P. 2543.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Per Curiam; Chief Justice Cappy; Justice Baldwin; Justice Fitzgerald
JURISDICTION	Pennsylvania
DECIDED	October 16, 2007
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania considered Nationwide's application for reargument of the Court's prior decision in Sackett v. Nationwide Mutual Insurance Co., 591 Pa. 416, 919 A.2d 194 (2007).
STANDARD OF REVIEW	An application for reargument is governed by Pa.R.A.P. 2543 and is committed to the appellate court's sound judicial discretion; reargument is allowed only for compelling reasons.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court order; the substantive reasoning regarding reargument appears in the dissent rather than a majority opinion.
PARTIES	Victor M. Sackett, Diana L. Sackett v. Nationwide Mutual Insurance Company

TOPICS

- appellate procedure
- insurance
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Nationwide established a compelling reason under Pa.R.A.P. 2543 for granting reargument of the Court's prior Sackett decision.
2. Whether anticipated costs, administrative burdens, and potential effects on commercial insurance justified reargument despite not involving overlooked facts, controlling authority, or issues developed in the prior appeal.

HOLDINGS

1. The Court granted Nationwide's application for reargument and resubmitted the matter on the existing briefs and reargument pleadings.

KEY QUOTATIONS

“Reargument before an appellate court is not a matter of right, but of sound judicial discretion, and reargument will be allowed only when there are compelling reasons therefor.” (934 A.2d at 1156)

“Rule 2543 does not provide a basis for reargument where a party simply disagrees with the outcome, and it most certainly does not do so where the applicant wishes to make arguments not developed in the appeal process or based upon facts not at issue in the appeal or made part of the record.” (934 A.2d at 1157)

“An application for reargument in this Court is a decidedly different animal than an appeal challenging a decision of a lower court. Stated otherwise, we do not take appeals from our own decisions.” (934 A.2d at 1158)

FACTUAL BACKGROUND

The prior Sackett decision concerned personal automobile insurance and construed 75 Pa.C.S. § 1738 concerning waivers of stacked uninsured/underinsured motorist coverage. Nationwide argued that the decision would impose substantial administrative and insurance costs, particularly in commercial lines, and that those consequences warranted reargument. The Insurance Commissioner similarly asserted that the decision could have broad and complicated effects on the insurance industry, including issues involving vehicle-purchase reporting and commercial-policy stacking.

PROCEDURAL HISTORY

After the Court's June 27, 2007 order, Nationwide applied for reargument and the Insurance Commissioner filed a statement as amicus curiae. The per curiam order granted reargument, resubmitted the matter on the existing briefs and reargument pleadings, and granted the Sacketts twenty days to respond to substantive points raised in the application and amicus statement. Justice Fitzgerald did not participate; Justice Baldwin dissented, joined by Chief Justice Cappy.

DISPOSITION

other

CASES CITED

- Sackett v. Nationwide Mutual Insurance Co., 591 Pa. 416, 919 A.2d 194 (2007)
- Everhart v. PMA Ins. Group, No. 12 WAP 2007

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