

SUPERIOR COURT OF PENNSYLVANIA

Pickering v. Associated Realty Property Management, Inc.

2025 Pa. Super. 208 · No. 2446 EDA 2024; 1929 EDA 2025; 1930 EDA 2025; 1931 EDA 2025 · Decided
September 18, 2025

SUMMARY

The Pennsylvania Superior Court affirmed orders sustaining preliminary objections to venue and transferring a wrongful-death and product-defect action from Philadelphia County to Centre County. The court held that the trial court did not abuse its discretion in determining that Buchanan Company and Chute Source did not regularly conduct business in Philadelphia County under Pennsylvania Rule of Civil Procedure 2179(a)(2).

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Kunselman, J.; Lazarus, P.J.; King, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	September 18, 2025
DOCKET	2446 EDA 2024; 1929 EDA 2025; 1930 EDA 2025; 1931 EDA 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from orders sustaining defendants' preliminary objections to venue and transferring the wrongful-death and product-defect action from Philadelphia County to Centre County.
STANDARD OF REVIEW	A trial court's venue-transfer decision is reviewed for abuse of discretion, although the interpretation of the venue rules and other legal questions are reviewed de novo with a plenary scope. An appellate court may not substitute its judgment for that of the trial court merely because it might have reached a different conclusion.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Richard E. Pickering, as Administrator ad Prosequendum of the Estate of Justine M. Gross v. Associated Realty Property Management, Inc., Richard John Santorum, Beaver Terrace Condominium Association, Western Chutes, Compacters & Recycling Systems, Inc., The Chute Doctor, Buchanan Company, Inc., Buchanan Specialties, Inc., Chute

Source, LLC, f/k/a Refuse Solutions, John Doe 1, John Doe 2, John Doe 3, John Doe 5, John Doe 6

TOPICS

venue civil procedure appellate procedure products liability wrongful death

PRACTICE AREAS

civil procedure appellate procedure venue products liability wrongful death

QUESTIONS PRESENTED

1. Whether Buchanan Company regularly conducted business in Philadelphia County under Pennsylvania Rule of Civil Procedure 2179(a)(2), making venue proper there.
2. Whether Chute Source regularly conducted business in Philadelphia County under Pennsylvania Rule of Civil Procedure 2179(a)(2), making venue proper there.
3. Whether the trial court abused its discretion or otherwise erred by deciding the venue objections without allowing additional venue discovery or an evidentiary hearing.

HOLDINGS

1. The trial court did not abuse its discretion in determining that Buchanan Company did not regularly conduct business in Philadelphia County. In evaluating the quantity prong of Pennsylvania's quality-quantity test, the court could compare the company's eight Philadelphia sales with its national sales, rather than limiting the comparison to its Pennsylvania sales.
2. The trial court did not abuse its discretion in determining that Chute Source did not regularly conduct business in Philadelphia County. Eleven orders from a Philadelphia customer in a single year, without more, did not require reversal under the deferential abuse-of-discretion standard.
3. Pickering waived any claim that additional venue discovery or an evidentiary hearing was required because he did not raise that request in the trial court before the venue objections were decided.

KEY QUOTATIONS

“Whether defendants regularly conduct business in a county presents a mixed question of fact and law, with questions of fact predominating.” (at 3)

“The Rule only permits a plaintiff to sue a defendant in any county where the defendant regularly conducts business – no more and no less.” (at 16)

“Accordingly, there is no ruling for us to review.” (at 21)

FACTUAL BACKGROUND

Justine M. Gross died after falling through an eleventh-floor garbage-chute access hatch at a condominium in Centre County. The condominium and its common areas were owned and maintained by Beaver Terrace

Condominium Association and Associated Realty, and the hatch had been manufactured by Chute Source, shipped to Buchanan Company in California, resold, and shipped to the condominium. Buchanan Company made eight Philadelphia County sales totaling \$866.24 over approximately a decade, while Chute Source had one Philadelphia customer in 2022 whose eleven orders totaled \$67,921.

PROCEDURAL HISTORY

Pickering commenced the action in the Philadelphia County Court of Common Pleas. After venue discovery and the filing of a Third Amended Complaint adding Chute Source, the defendants renewed their preliminary objections challenging venue. The trial court sustained the objections and entered four orders transferring the case to Centre County; it later denied reconsideration. The Superior Court affirmed and remanded for the transfer.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded to the Court of Common Pleas for transfer to Centre County. Jurisdiction was relinquished.

CASES CITED

- Richmond v. McHale, 35 A.3d 779 (Pa. Super. Ct. 2012)
- Hangey v. Husqvarna Professional Products, Inc., 304 A.3d 1120 (Pa. 2023)
- Zappala v. Brandolini Property Management, Inc., 909 A.2d 1272 (Pa. Super. Ct. 2006)
- Trigg v. Children's Hospital of Pittsburgh of UPMC, 229 A.3d 260 (Pa. 2020)