

**In the Supreme Court of Pennsylvania
Western District**

2 WAP 2023

EARL JOHN DWYER and CHRISTINE DWYER,

Appellants

v.

**AMERIPRISE FINANCIAL, INC.,
AMERIPRISE FINANCIAL SERVICES, INC.,
RIVERSIDE LIFE INSURANCE COMPANY,
JAMES E. ANDERSON, JR., AND DUANE DANIELS,**

Appellees.

**BRIEF OF AMICI CURIAE
PENNSYLVANIA COALITION FOR CIVIL JUSTICE REFORM,
PENNSYLVANIA CHAMBER OF BUSINESS AND INDUSTRY,
PENNSYLVANIA MANUFACTURERS' ASSOCIATION, AND
THE NATIONAL ASSOCIATION OF MANUFACTURERS
IN SUPPORT OF APPELLEES**

*Appeal from the Order of the Superior Court entered July 8, 2022 at
No. 519 WDA 2021, affirming the judgment of the Court of Common Pleas of
Allegheny County entered April 26, 2021 at No. GD 01-006612*

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STATEMENT OF THE QUESTION PRESENTED FOR REVIEW

Whether the trial court erred in exercising its discretion to not treble damages under the Unfair Trade Practices and Consumer Protection Law (UTPCPL), 73 Pa.C.S.A. § 201-9.2(a), when it found that a jury's award of punitive damages on the Plaintiffs' common law fraud claim adequately deterred future misconduct and the Plaintiffs had also received a substantial compensatory damage award including interest, attorneys' fees, and costs. The Superior Court found that the trial court did not err in exercising its discretion. *Amici* agree and urge this Court to affirm.

STATEMENT OF INTEREST OF *AMICI CURIAE*¹

Amici are organizations representing thousands of businesses that operate in Pennsylvania and employ Pennsylvania residents. *Amici* and their members have a compelling interest in ensuring that courts can properly exercise their discretion to determine whether to treble damages under the UTPCPL, particularly when the judgment also includes punitive damages on a common law claim arising from the same conduct or transaction. Because of the harmful impact that imposing unnecessary and excessive punishment could have on businesses that operate in Pennsylvania, and the likelihood that further expansion of liability under UTPCPL

¹ Pursuant to Pa. R.A.P. 531(b), *amici curiae* state that no person or entity other than the *amici*, their members, or counsel made a monetary contribution to the preparation or submission of this brief or authored any part of this brief.

could make the Commonwealth prone to litigation abuse, *amici* believe their participation in this case will be valuable to the Court.

The Pennsylvania Coalition for Civil Justice Reform (“PCCJR”) is a statewide, bipartisan organization representing businesses, health care, and other perspectives. PCCJR is dedicated to improving Pennsylvania’s civil justice system by elevating awareness of problems and advocating for legal reform in the legislature and fairness in the courts. As such, PCCJR often participates as an *amicus* in appeals of statewide importance.

The Pennsylvania Chamber of Business and Industry is the largest broad-based business association in Pennsylvania. It has close to 10,000 member businesses throughout Pennsylvania, which employ more than half of the Commonwealth’s private workforce. Its members range from small companies to mid-size and large business enterprises. The Pennsylvania Chamber’s mission is to advocate on public policy issues that will expand private sector job creation, to promote an improved and stable business climate, and to promote Pennsylvania’s economic development for the benefit of all Pennsylvania citizens.

Since its founding in 1909, the Pennsylvania Manufacturers’ Association (“PMA”) has served as a leading voice for Pennsylvania manufacturing, its 540,000 employees on the plant floor, and the millions of additional jobs in supporting industries. From its headquarters in the Frederick W. Anton, III, Center, across from

the steps to the State Capitol Building in Harrisburg, PMA seeks to improve the Commonwealth's competitiveness by promoting pro-growth public policies that reduce the cost of creating and keeping jobs in Pennsylvania. PMA has forcefully advocated for civil justice reforms that will bring balance and stability to Pennsylvania's legal system.

The National Association of Manufacturers ("NAM") is the largest manufacturing association in the United States, representing small and large manufacturers in all 50 states and in every industrial sector. Manufacturing employs over 13 million men and women, contributes over \$2.9 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for over half of private-sector research and development in the Nation. The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

ARGUMENT

The simple question that should resolve this appeal is whether a trial court, in exercising its discretion to treble actual damages under the UTPCPL, can consider the full scope of a plaintiff's recovery, allowing the court to fairly compensate consumers for their losses and, when needed, sufficiently punish and deter businesses from engaging in similar misconduct in the future. The answer is yes.

Plaintiffs and their supporting *amici*, however, reframe and convolute the issue, arguing that Pennsylvania courts cannot consider punitive damages awarded on a common law claim when determining whether to treble damages under the UTPCPL. They further suggest that a trial court *must* award treble damages in any case in which a jury awards punitive damages. The UTPCPL's text does not support these extreme positions, which would strip Pennsylvania trial courts of their statutory discretion and eliminate their ability to avoid over-punishment.

Pennsylvania law has long recognized that it is improper for a court to award duplicative recoveries in a single case. That principle is even more salient when the damages—here, treble damages on a statutory action under the UTPCPL and punitive damages on a common law fraud claim—are imposed to punish a defendant. The legislature provided a safeguard against duplicative damages and excessive punishment by giving trial courts discretion to determine whether to enhance damages and, if so, what amount would advance the purposes of the UTPCPL. Here, the trial court properly found that trebling damages on top of an award that already included punitive damages, in addition to substantial compensatory damages and attorneys' fees, was not necessary or appropriate. The Superior Court correctly affirmed that decision.

This outcome keeps Pennsylvania within mainstream American jurisprudence. As discussed below, many state consumer protection laws do not

provide for treble damages, avoiding the potential for duplicative or excessive awards. In states that do, the law guards against the type of excessive punishment Plaintiffs seek here. Courts can require a plaintiff to elect either treble damages or punitive damages, or fashion a judgment that avoids excessive awards. Here, the UTPCPL achieves this goal by giving the trial court discretion to award an amount up to three times actual damages. 73 Pa.C.S. § 201-9.2(a). The judge can consider the facts and circumstances of the case, whether the punitive damage award is sufficient punishment, and whether trebling damages on top of a punitive damage award would raise constitutional due process concerns, among other factors.

Of additional concern to *amici* is that putting blinders on Pennsylvania judges with regard to imposing treble damages in UTPCPL claims—not allowing them to consider punitive damages also awarded—would exacerbate a trend of expanding liability exposure under the UTPCPL. Overturning the ruling below and, contrary to the statutory text, hindering the ability of judges to determine a just remedy, could tip the scales. The ability of plaintiffs’ attorneys to threaten businesses with excessive punishment is likely to lead to speculative litigation and extortionate settlement demands. It would place the Commonwealth’s courts at risk of experiencing the type of consumer lawsuit abuse documented in other states.

For these reasons, as discussed in more detail below, *amici* respectfully request that this Court affirm the judgment of the Superior Court.

I. THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW PROVIDES JUDICIAL DISCRETION TO AVOID DUPLICATIVE DAMAGES

The UTPCPL's treble damage provision is clear that a court—"in its discretion"—may award damages "up to three times the actual damages sustained." 73 Pa.C.S. § 201-9.2(a). The statute neither bars a court from considering other damages awarded in the case, nor requires a court to award three times actual damages, or enhance damages in any amount, if it finds such an award unwarranted. To the contrary, when a jury has awarded punitive damages on a common law claim arising out of the same facts and circumstances, and treble damages would serve the same purpose of punishment or deterrence, a court is well-within its discretion to consider the total punitive impact of the damages and not award enhanced UTPCPL damages. Indeed, in such a situation, as here, a punitive damage award will often weigh *against* imposing treble damages in an effort to guard against excessive punishment.

A. A Court Should Be Able to Fashion a Judgment that Advances the Purposes of the UTPCPL and Decide Not To Impose Treble Damages When Punitive Damages Sufficiently Punish Misconduct

As this Court has recognized, trebling damages has a strong punitive dynamic." *Schwartz v. Rockey*, 932 A.2d 885, 898 (Pa. 2007). The statute permits a court to triple the UTPCPL award to punish a defendant, even if the defendant's conduct falls short of the level of outrageousness or egregiousness necessary to

support an award of punitive damages. *Id.* As this Court has instructed, when deciding whether to award treble damages, courts “should focus on the presence of intentional or reckless, wrongful conduct.” *Id.* Thus, this use of the treble damages provision incorporates the same purpose as punitive damages: to punish and deter wrongful trade practices. *See id.*

The UTPCPL provides broad discretion to the trial court to determine when the purposes of the treble damages provision will or will not be served in a given case; the discretion includes taking into account the particular facts and circumstances of the case, including other relief awarded. Specifically the statute states the court may award “additional relief as it deems necessary or proper” *up to* three times actual damages. *See* 73 Pa.C.S. § 201-9.2(a). Thus, the statute’s text neither requires the court to increase damages, nor treble compensatory damages should it decide enhanced damages are not necessary in the case. Although it is true that the trial court’s discretion is “not limitless,” *Schwartz*, 932 A.2d at 898, the law certainly does not *prohibit* consideration of a punitive damages award or *mandate* that a court impose treble damages in every case in which a jury awards punitive damages on a related common law claim, as Plaintiffs and their *amici* suggest. *See* Br. of *Amici Curiae* National Consumer Law Center et al., at 2-3 (filed Mar. 23, 2023) (hereinafter “NCLC Br.”).

To the contrary, this Court has long recognized that when there are multiple claims involving overlapping recovery it is important for the court to ensure the judgment does not “result in a duplication of damages.” *Pezzulli v. D'Ambrosia*, 26 A.2d 659, 661 (Pa. 1942) (explaining that although a plaintiff may bring both wrongful death and survival actions, the recoveries should not result in “a duplication of damages”). Therefore, when punitive damages have already been awarded as punishment for the same facts and circumstances, trial courts *are supposed to* consider them and avoid the over-punishment that might occur if they were to treble the UTPCPL damages.

Here, the trial court made the appropriate determinations; it found the substantial compensatory and punitive damage award in this case, plus the large award for attorneys’ fees—without adding treble damages—“adequately compensated [the Plaintiffs] for their losses and the total award sufficiently punishes and deters Defendants from engaging in similar conduct in the future.” *Dwyer v. Ameriprise Fin., Inc.*, No. 519 WDA 2021, 2022 WL 2560023, at *5 (Pa. Super. Ct. 2022). The Superior Court found no abuse of discretion, observing that the trial court properly considered the total award and reached a decision that is consistent with the purposes of the statute. *Id.* This Court should affirm this decision, which was rationally based on the facts and circumstances in this case. *See Schwartz*, 932 A.2d

at 898 (“[A]wards of treble damages may be reviewed by the appellate courts for rationality. . . .”).

B. Most Courts Guard Against Over-Punishment by Not Awarding Both Treble and Punitive Damages

Affirming the lower courts’ rulings will keep Pennsylvania squarely within mainstream American jurisprudence. Contrary to the suggestion of Plaintiffs’ *amici*, *see* NCLC Br. at 11-14, it is not the norm in other states for courts to impose both treble and punitive damages for the same alleged misconduct because of the potential that doing so would result in excessive punishment.

First, only about half of state consumer protection statutes authorize an award of treble damages, eliminating the potential for both forms of punishment. *See* Victor E. Schwartz & Cary Silverman, *Common-Sense Construction of Consumer Protection Acts*, 54 U. Kan. L. Rev. 1, 23-25 (2005) (surveying states). In states with consumer protection laws that permit or require treble damages, courts have avoided judgments that would impose duplicative, excessive punishment.

For example, in neighboring Maryland, the state’s Consumer Protection Act provides for recovery of actual damages plus reasonable attorney’s fees, but not treble damages. *See* Md. Code, Com. Law § 13-408. Further, Maryland law reserves punitive damages for common law fraud claims in which there is a finding of actual malice—including an intent to deceive and “actual knowledge” of the falsity of the representation. *Frazier v. Castle Ford, Ltd.*, 59 A.3d 1016, 1026-27 (Md. 2013).

Therefore, over-punishing conduct through an award under the state Consumer Protection Act and punitive damages on a tort claim cannot occur in Maryland.

Likewise, the Delaware Consumer Fraud Act's private right of action does not authorize treble damages. Del. Code Ann. tit. 6, § 2525. Delaware's Uniform Deceptive Trade Practices Act does authorize treble damages, Del. Code Ann. tit. 6, § 2533(c), but Delaware courts have ruled that a plaintiff cannot recover both statutory treble damages and common law punitive damages because they serve the same purpose. *See Roberts v. Am. Warranty Corp.*, 514 A.2d 1132, 1135 (Del. Super. Ct. 1986).

Second, even in states where there is a possibility that both forms of penal damages can be awarded, "the majority of jurisdictions employ a version of the election of remedies doctrine" to prevent over-punishment. *Concrete Spaces, Inc. v. Sender*, 2 S.W.3d 901, 908 (Tenn. 1999) (citing Lisa K. Gregory, Annotation, *Plaintiff's Rights to Punitive or Multiple Damages When Cause of Action Renders Both Available*, 2 A.L.R. 5th 449, 459 (1992)). As a consumer protection law treatise recognizes, "[a]s a general rule, consumers are also entitled to only a single award of punitive or multiple damages based on the same act or practice." Dee Pridgen & Richard M. Alderman, *Consumer Protection and the Law* § 6:15 (Thomson Reuters, 2022-23 ed.). Courts apply this principle to avoid excess punishment in cases like the one here. *See, e.g., Harris v. Manor Healthcare Corp.*, 489 N.E.2d 1374, 1379

(Ill. 1986) (barring “recovery of both treble damages and common law punitive damages” because allowing both, “under the circumstances of this case, constitute a double recovery for a single injury”).

In some states, a plaintiff must select a preferred remedy. For example, the New Mexico Supreme Court has held that a plaintiff can choose to receive the greater of treble damages under the state’s Unfair Trade Practices Act or punitive damages for fraud, not both, because the “awards have duplicative elements of damages.” *Hale v. Basin Motor Co.*, 795 P.2d 1006, 1012 (N.M. 1990). Appellate courts in other states have issued similar rulings. *See, e.g., United Labs., Inc. v. Kuykendall*, 437 S.E.2d 374, 379 (N.C. 1993) (plaintiff may recover untrebled compensatory damages on a unfair trade practices claim and \$100,000 in punitive damages on a common law claim, but not both treble and punitive damages); *Smith v. Strickland*, 442 S.E.2d 207, 210 (S.C. Ct. App. 1994) (“[A] plaintiff can recover damages that are punitive in nature only once, either as expressly-designated punitive damages [under fraud claim] or as trebled damages [under South Carolina Unfair Trade Practices Act], where their recovery concerns a single wrong.”). At least one state codifies this approach; the statute in that state provides that a plaintiff must choose between an action under the state’s Deceptive Trade Practices Act and a common law claim for fraud, misrepresentation, deceit, suppression of material facts, or fraudulent concealment. *See* Ala. Code § 8-19-15.

In other states, courts avoid excessive punishment when a plaintiff receives a verdict including a common law punitive damage award and statutory treble damages “simply by fashioning the judgment accordingly.” *See, e.g., Harris*, 489 N.E.2d 1381. For instance, a Colorado trial court entered a judgment that included a \$2 million compensatory damage award trebled to \$6 million on a deceptive trade practices claim, but did not include a \$2 million punitive damage verdict on a common law claim. *See Lexton-Ancira Real Estate Fund, 1972 v. Heller*, 826 P.2d 819, 822-23 (Colo. 1992) (en banc). The Colorado Supreme Court agreed with this approach, ruling that treble and punitive damages both serve to punish and deter, and “a claimant may not receive a double recovery from the same act.” *Id.*

In Pennsylvania, the General Assembly purposefully provided the trial court with the discretion not to award treble damages, including when a judgment also includes punitive damages for the same alleged misconduct. Here, Plaintiffs did not need to make an election of damages, as the court exercised its statutory discretion under the UTPCPL to avoid a duplication of damages. In these circumstances, the addition of treble damages on top of punitive damages was not “necessary or proper” and the trial court entered its judgment accordingly. Therefore, in this appeal, the Court does not need to adopt the bright-line rule that some of the other states have imposed, but it should retain the authority of courts to use their discretion to avoid duplicative damages that would result in over-punishment.

C. Courts Must Abide by the U.S. Supreme Court’s Due Process Safeguards When Imposing Damages that Punish Defendants

The judicial discretion provided by the UTPCPL allows courts to ensure that the cumulative penal awards are within constitutional bounds. In the 1990s and 2000s, the U.S. Supreme Court addressed the issue of excessive punitive damages on multiple occasions and found that due process does not permit courts to impose punishment that is disproportionate to actual harm. Pennsylvania trial courts must be mindful of these requirements when deciding whether to impose treble damages under the UTPCPL, particularly when the judgment would include punitive damages for the same conduct.

The Supreme Court first held that excessive punitive damage awards violate the Fourteenth Amendment in *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991). Soon thereafter, a plurality of the Court said “the Due Process Clause of the Fourteenth Amendment imposes substantive limits ‘beyond which penalties may not go.’” *TXO Prod. Corp. v. Alliance Res. Corp.*, 509 U.S. 443, 454 (1993). The Court then recognized punitive damages “pose an acute danger of arbitrary deprivation of property” and affirmed constitutional limits on the size of awards that punish. *Honda Motor Co., Ltd. v. Oberg*, 512 U.S. 415, 420, 432 (1994).

Most importantly as applied to determining whether to impose treble damages on top of punitive damages under the UTPCPL, the Supreme Court instructed that “elementary notions of fairness enshrined in our constitutional jurisprudence dictate

that a person receive fair notice not only of the conduct that will subject him to punishment, but also of the severity of the penalty that a State may impose.” *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 574 (1996). In *Gore*, the Court established three guideposts for lower courts to follow in evaluating punitive damage awards: (1) the degree of reprehensibility of the defendant’s conduct, (2) the ratio of punitive damages to the harm inflicted on the plaintiff, and (3) the civil or criminal penalties that could be imposed for comparable misconduct. *See id.* at 575.

Proportionality is key. The “most commonly cited indicium of an unreasonable or excessive punitive damages award is its ratio to the actual harm inflicted on the plaintiff.” *Id.* at 581. When compensatory damages are substantial, the Court has instructed that a ratio “equal to compensatory damages, can reach the outermost limit of the due process guarantee.” *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 425-26 (2003). This principle is especially applicable when, as here, “the harm arose from a transaction in the economic realm, not from some physical assault or trauma.” *Id.* The Court reiterated this view for cases arising under federal law, stating a ratio equal to compensatory damages would often represent the appropriate limit. *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 501 (2009).

Here, the compensatory award was about \$45,000 and the punitive damage award was \$75,000, which already exceeds a 1:1 ratio. The trial court properly

recognized that treble damages have a punitive component. Trebling damages by adding \$90,000 more would result in a total penal award of \$165,000, which would represent a 3.6:1 ratio to compensatory damages. Such an award may very well be constitutionally infirm under the facts and circumstances of this case. It would result in an award that substantially exceeds the amount the jury found—and the trial and Superior Court agreed—was sufficient to punish misconduct and deter defendants from engaging in similar conduct in the future.

More broadly, considering the upper constitutional bounds on the total punitive award is undoubtedly an important factor for trial courts to consider in exercising their discretion as to whether to award up to treble damages in a UTPCPL case. This Court should ensure trial courts continue to have this discretion so that they may avoid entering constitutionally infirm judgments.

II. PENNSYLVANIA RISKS BECOMING A MAGNET FOR ABUSIVE CONSUMER LITIGATION

Finally, *amici* have observed a concerning proliferation of consumer litigation in certain states, challenging business practices that would not mislead a reasonable consumer. *See, e.g.*, Perkins Coie, Food & Consumer Packaged Goods Litigation: 2022 Year in Review 4 (2023) (finding that courts in California, New York, Illinois, and Missouri hosted approximately four out of five consumer class actions filed nationwide targeting food and beverage labeling in 2021 and 2022). Permitting, or

worse, requiring treble damages in addition to punitive damages would take a step toward creating those dynamics in the Commonwealth's courts.

For example, as the *New York Times* recently recognized, New York has become a “hot spot” for consumer litigation, with lawsuits ranging from the “absurd to the righteous.” Britta Lokting, *Lawyer Up: Class-Action Suits Are Thriving in New York*, N.Y. Times, Apr. 27, 2023; *see also* Becky Sullivan, *The Strawberry Pop-Tart Case is Just One of More Than 400 Lawsuits He Has Filed*, NPR, Oct. 30, 2021. Consumer class action filings have roughly tripled in New York since 2015. *See* Cary Silverman, *Class Action Chaos: The Rise of Consumer Class Action Lawsuits in New York* 2, 10-12 (N.Y. Civil Justice Inst., May 2021). Critics view many of these suits as “entirely lawyer driven” and “about forcing quick settlements that go right into the pockets of the lawyers” rather than helping consumers. Lokting, *supra* (quoting Tom Stebbins, the executive director of the Lawsuit Reform Alliance of New York). Missouri experienced a similar trend, eventually prompting its legislature to intervene in an attempt to prevent unwarranted litigation. *See* Jennifer J. Artman & Cary Silverman, *Two Years Since MMPA Reform: How Has It Changed Missouri Consumer Litigation?*, 78 Mo. B.J. 173 (July-Aug. 2022).

A common denominator in these states is that their consumer protection statutes and court rulings interpreting them have created opportunities for settlement demands based on the *risk* of an outsized award and the cost of mounting a defense,

regardless of whether a case has merit. *See generally* Cary Silverman, *In Search of the Reasonable Consumer: When Courts Find Food Class Action Litigation Goes Too Far*, 86 U. Cin. L. Rev. 1, 2-6 (2018). It is not surprising that, in response to a leading class action survey, in-house general counsel and senior legal officers recently said they view the increase in consumer class actions unconnected from real world harm, along with the rising litigation costs associated with them, to be a significant threat to their businesses. *See* Carlton Fields 2023 Class Action Survey 10 (2023).

So far, Pennsylvania has not seen the level of abusive consumer litigation that some other states have. However, this is at risk of changing. In recent years, this Court's rulings have expanded liability exposure under the UTPCPL. For example, two years ago, the Court found that the statute's "catchall provision," which prohibits "fraudulent or deceptive conduct which creates a likelihood of confusion or misunderstanding," does not require fraudulent intent. *See Gregg v. Ameriprise Fin., Inc.*, 245 A.3d 637, 649 (Pa. 2021). Rather, the Court viewed the UTPCPL as a "strict liability offense." *Id.* at 650. An earlier decision opened the door for out-of-state residents to bring UTPCPL actions against Pennsylvania businesses based on transactions that occur out-of-state. *See Danganan v. Guardian Prot. Servs.*, 179 A.3d 9, 16-17 (Pa. 2018).

Plaintiffs' *amici* hail this trend as a victory, *see* NCLC Br. at 1, but expanding the threat of liability further, particularly in the manner sought in this case, will not benefit consumers or the pursuit of justice. Rather, creating the potential for treble and punitive damage awards that over-punish defendants will take a step toward enabling the type of unwarranted litigation and extortionate settlement demands that are occurring elsewhere. Instead, this Court should reinforce the ability of the Commonwealth's judges to fashion judgments that fairly compensate consumers and deter misconduct in appropriate cases. They should maintain the discretion to consider the overall awards, including any punitive damages in tort claims over the same facts and circumstances, in deciding whether and, if so how much, to enhance the UTPCPL damages.

CONCLUSION

For these reasons, this Court should affirm the judgment of the Superior Court.

Dated: May 24, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Brief of *Amici Curiae* complies with the word-count limit set forth in Pa. R.A.P. 531(b)(3) because it contains 4,152 words, excluding the supplementary matter excluded by Pa. R.A.P. 2135(b).

I also certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Joseph H. Blum

Joseph H. Blum, Esquire
PA I.D. #36874

Dated: May 24, 2023

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I hereby certify that I am on this 24th day of May 2023 serving two copies of the foregoing Brief of *Amici Curiae* upon counsel of record by first-class U.S. Mail, postage-prepaid, pursuant to Pa. R.A.P. 121:

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Dated: May 24, 2023

IN THE SUPREME COURT OF PENNSYLVANIA

Earl John Dwyer and Christine Dwyer, husband and	:	2 WAP 2023
wife, Appellants	:	
	:	
v.	:	
Ameriprise Financial, Inc., Ameriprise Financial		
Services, Inc., Riversource Life Insurance Company,		
James E. Anderson, Jr., and Duane Daniels,		
Appellees		

PROOF OF SERVICE

I hereby certify that this 24th day of May, 2023, I have served the attached document(s) to the persons on the date(s)

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IN THE SUPREME COURT OF PENNSYLVANIA

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IN THE SUPREME COURT OF PENNSYLVANIA

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IN THE SUPREME COURT OF PENNSYLVANIA

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