IN THE
SUPERIOR COURT OF PENNSYLVANIA

No. 179 EDM 2025

SYNGENTA CROP PROTECTION, LLC and CHEVRON U.S.A. INC.,

Petitioners,

v.

EUGENE BLACK, *et al.*,
FMC CORPORATION,

Respondents.

(IN RE: PARAQUAT PRODUCTS LIABILITY LITIGATION)

Petition for Permission to Appeal as for the July 11, 2025 Order
of the Court of Common Pleas of Philadelphia County, at No. 220500559

MOTION TO FILE BRIEF AS AMICUS CURIAE OF NATIONAL ASSOCIATION OF MANUFACTURERS

JASMEET K. AHUJA (PA. NO. 322093)
HOGAN LOVELLS US LLP
1735 Market Street
Philadelphia, PA 19103
(267) 675-4600
jasmeet.ahuja@hoganlovells.com

Counsel for Amicus Curiae
National Association of Manufacturers

September 11, 2025

MOTION TO FILE BRIEF AS AMICUS CURIAE

The National Association of Manufacturers (NAM) moves to submit this brief as *amicus curiae* in support of Petitioners.

1. NAM is the largest manufacturing association in the United States, representing small and large manufacturers in all fifty states and in every industrial sector. Manufacturing employs nearly 13 million people, contributes $2.9 trillion to the economy annually, has the largest economic impact of any major sector, and accounts for over half of all private-sector research and development in the nation, fostering the innovation that is vital for this economic ecosystem to thrive. NAM is the voice of the manufacturing community and leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

2. NAM writes in this case because *forum non convenes* remains an important tool for manufacturers to combat abusive forum shopping by foreign plaintiffs—particularly as the Supreme Court's decision in *Mallory v. Norfolk Southern Railway Co.*, 600 U.S. 122 (2023) risks rendering more out-of-state corporations subject to general jurisdiction in the Commonwealth. The trial court's refusal to dismiss the cases of plaintiffs who do not live in Pennsylvania, who were not exposed to paraquat in Pennsylvania, who were not treated in Pennsylvania, and whose only connection to Pennsylvania is that Chevron U.S.A.

Inc. is incorporated here contravenes decades of this Court's precedent. It also forces the trial court to apply the law of other States that it is not familiar with; condones plaintiffs shopping their claims to a forum that they think is more receptive to them; and makes Philadelphians serve on juries for claims with no link to their communities. The petition thus presents important legal questions that should be decided by this Court through an interlocutory appeal.

3. NAM's proposed brief is attached as an exhibit to this motion. The brief complies, by analogy, with Pa.R.A.P. 531(b)(2)-(3) as applicable to briefs in support of a petition for allowance of appeal.

For the foregoing reasons, the motion should be granted.

Respectfully submitted,

/s/ Jasmeet K. Ahuja
JASMEET K. AHUJA (PA. NO. 322093)
HOGAN LOVELLS US LLP
1735 MARKET STREET
Philadelphia, PA 19103
(267) 675-4600
jasmeet.ahuja@hoganlovells.com

Counsel for Amicus Curiae
National Association of Manufacturers

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JASMEET K. AHUJA (PA. NO. 322093)
HOGAN LOVELLS US LLP
1735 Market Street
Philadelphia, PA 19103
(267) 675-4600
jasmeet.ahuja@hoganlovells.com

Counsel for Amicus Curiae
National Association of Manufacturers

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STATEMENT OF INTEREST OF AMICUS CURIAE

The National Association of Manufacturers (NAM) submits this brief as *amicus curiae* in support of Petitioners.[1]

NAM is the largest manufacturing association in the United States, representing small and large manufacturers in all fifty states and in every industrial sector. Manufacturing employs nearly 13 million people, contributes $2.9 trillion to the economy annually, has the largest economic impact of any major sector, and accounts for over half of all private-sector research and development in the nation, fostering the innovation that is vital for this economic ecosystem to thrive. NAM is the voice of the manufacturing community and leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

NAM writes in this case because *forum non conveniens* remains an important tool for manufacturers to combat abusive forum shopping by foreign plaintiffs—particularly as the U.S. Supreme Court's decision in *Mallory v. Norfolk Southern Railway Co.*, 600 U.S. 122 (2023) risks rendering more out-of-state corporations subject to general jurisdiction in the Commonwealth. The trial court's refusal to

[1] No party or counsel for a party authored this brief in whole or in part. No party, counsel for a party, or person other than *amicus curiae* or its counsel made any monetary contribution intended to fund the preparation or submission of this brief. Pa. R.A.P. 531(b)(2).

dismiss the cases of plaintiffs who do not live in Pennsylvania, who were not exposed to paraquat in Pennsylvania, who were not treated in Pennsylvania, and whose only connection to Pennsylvania is that Chevron U.S.A. Inc. is incorporated here contravenes decades of this Court's precedent. It also forces the trial court to apply the law of other States that it is not familiar with; condones plaintiffs shopping their claims to a forum that they think is more receptive to them; and makes Philadelphians serve on juries for claims with no link to their communities. The petition thus presents important legal questions that should be decided by this Court through an interlocutory appeal.

STATEMENT OF THE ISSUE PRESENTED

Did the trial court abuse its discretion in refusing to certify its denial of Petitioners' *forum non conveniens* motion to dismiss for interlocutory appeal when this Court has repeatedly held it is appropriate to dismiss similar claims without any connection to the Commonwealth other than a defendant's headquarters or incorporation?

Yes. This Court has repeatedly upheld forum non conveniens *dismissals or directed* forum non conveniens *dismissals on materially identical facts and rejected arguments against dismissal that the trial court adopted such that the trial court should have recognized that there were substantial grounds for difference of opinion about the correctness of its opinion warranting an interlocutory appeal.*

SUMMARY OF ARGUMENT

I. Time and again, this Court has held that a *forum non conveniens* dismissal is appropriate where an out-of-state plaintiff sues over an out-of-state occurrence and relies on out-of-state evidence and out-of-state witnesses. This Court has even found that trial courts abuse their discretion when they do not dismiss under these circumstances and has directed dismissal. Plaintiffs' cases have no connection to the Commonwealth other than Chevron's incorporation here, so the trial court should have dismissed. Because the trial court did not, this Court should permit an interlocutory appeal and reverse.

The trial court offered various reasons why it believed retaining Plaintiffs' cases was appropriate. Each is contradicted by this Court's precedent. First, the trial court believed it had to defer to Plaintiffs' choice to file in Pennsylvania. But this court has held that a non-Pennsylvanian receives far less deference in her choice of forum. The trial court also found it significant that Petitioners failed to show they could not obtain evidence and witnesses for trial by domesticating Pennsylvania subpoenas in Plaintiffs' home States. But this Court has never required that showing, instead dismissing when it appeared that all of the relevant witnesses and documents were located elsewhere. The trial court thought there was a connection between Plaintiffs' cases and Pennsylvania because Chevron is incorporated here, but this Court has held that even a company's *headquarters* being located in

Pennsylvania is not a sufficient factual basis to retain an otherwise-foreign case—a far-greater connection than being incorporated in the Commonwealth. Finally, the trial court believed it should retain Plaintiffs' cases because the Philadelphia Mass Tort Program has been a beacon of efficient case resolution. But this Court has rejected similar attempts to shoehorn additional factors into the *forum non conveniens* calculus.

II. Allowing Plaintiffs' claims to go forward will unfairly burden and create uncertainty for manufacturers haled into the Pennsylvania courts. Plaintiffs' home-state law will apply to their claims, and Pennsylvania judges are less-equipped to decide cases under foreign law than judges in Plaintiffs' home State, meaning that manufacturers cannot have certainty as to how a foreign State's law will apply to them in the Commonwealth. Moreover, allowing Plaintiffs' claims to proceed will bless a pernicious form of forum shopping that will inconvenience the Philadelphia jurors called from their jobs and other obligations for weeks to hear cases with no link to their communities. And the proper application of *forum non conveniens* is critical now that the U.S. Supreme Court's decision in *Mallory* has the potential to subject even more corporations to general personal jurisdiction in Pennsylvania.

The Court should grant the petition and reverse.

ARGUMENT

I. THE TRIAL COURT'S REFUSAL TO DISMISS PLAINTIFFS' CLAIMS ON *FORUM NON CONVENIENS* GROUNDS WAS AN ABUSE OF DISCRETION BECAUSE THIS COURT HAS REPEATEDLY HELD IT IS APPROPRIATE TO DISMISS SIMILAR CLAIMS THAT LACKED ANY MEANINGFUL CONNECTION TO THE COMMONWEALTH.

The Supreme Court has adopted the comment to the Section 177(e) of the *Restatement (Second) of Conflicts of Laws* (1971) to determine when a case should be dismissed on *forum non conveniens* grounds. *Engstrom v. Bayer Corp.*, 855 A.2d 52, 55 (Pa. Super. 2004). Under it, "[t]he two most important factors look to the court's retention of the case. They are (1) that since it is for the plaintiff to choose the place of suit, his choice of forum should not be disturbed except for weighty reasons, and (2) that the action will not be dismissed . . . unless an alternative forum is available to the plaintiff." *Plum v. Tampax, Inc.*, 160 A.2d 549, 553 (Pa. 1960).

The trial court here conceded that there was an available alternative forum for Plaintiffs' suits because Plaintiffs can refile their claims in their home States or the States in which they allege paraquat exposure and Petitioners have agreed to not challenge venue or personal jurisdiction if Plaintiffs do. Trial Ct. Op. 2. But the trial court nonetheless believed that there were not "weighty reasons" to override Plaintiffs' decisions to file in Pennsylvania. *Id.* This Court's repeated and consistent holdings are to the contrary.

1. This Court has held time and again—in materially identical cases—that *forum non conveniens* dismissal is appropriate when claims have no factual connection to the Commonwealth. For example, *Engstrom*, like these cases, arose from the Philadelphia Mass-Tort Program. 855 A.2d at 54. The plaintiffs were from Missouri, Washington, Arizona, and Hawaii. *Id.* None had ever resided in Pennsylvania, none had ever purchased the allegedly defective product in Pennsylvania, none had ever suffered or been treated for any illness in Pennsylvania, and none of the witnesses that would prove Plaintiffs' claims resided in Pennsylvania. *Id.* The only connection between the Plaintiffs' claims and the Commonwealth was that the defendant had corporate headquarters near Pittsburgh. *Id.* This Court held that *forum non conveniens* dismissal was appropriate because "there is no connection between Pennsylvania and the specific facts of these cases." *Id.* at 56.

The pattern repeats itself across this Court's precedent. In *Jessop v. ACF Industries, LLC*, 859 A.2d 801, 802 (Pa. Super. 2004), this Court found *forum non conveniens* dismissal appropriate where a Kansas asbestos plaintiff who worked only in Kansas and was diagnosed and treated by a Kansas doctor nonetheless filed suit in Pennsylvania. This Court found no abuse of discretion in the trial court's conclusion that the Philadelphia courts should not have to hear "a controversy that does not even have tangential contacts with Pennsylvania, let alone Philadelphia

County." *Id.* at 804-805. So, too, in *Hovatter v. CSX Transportation, Inc.*, 193 A.3d 420, 427 (Pa. Super. 2018), a Marylander and Kentuckian who worked in Maryland, Ohio, Indiana, and Kentucky and were injured and treated in Maryland, Ohio, Indiana, and Kentucky for workplace injuries sustained in those States nonetheless brought suit in Philadelphia. Without any factual connection between the claims and Pennsylvania, this Court was "constrained to conclude that the trial court abused its discretion" and directed the cases dismissed. *Id.* at 428. Further, in *Wright v. Consolidated Rail Corp.*, 215 A.3d 982, 987, 996 (Pa. Super. 2019), this Court directed a trial court to dismiss on *forum non conveniens* grounds an action by a New York railroad worker who was injured on the job and treated in New York.

The list goes on.[2] In each, this Court either affirmed the dismissal on *forum non conveniens* grounds of claims with no factual connection to Pennsylvania or reversed trial courts that refused to dismiss on *forum non conveniens* grounds claims with no factual connection to Pennsylvania. The trial court here should have done

[2] *See, e.g.*, *Ficarra v. Consolidated Rail Corp.*, 242 A.3d 323, 337 (Pa. Super. 2020) (directing *forum non conveniens* dismissal of cases where "[a]ll of Plaintiffs' former co-workers, supervisors, and diagnosing and treating physicians reside outside Pennsylvania"); *Cinousis v. Hechinger Dep't Store*, 594 A.2d 731, 733 (Pa. Super. 1991) (finding no abuse of discretion in *forum non conveniens* dismissal "[i]n view of the absence of any significant contact between [plaintiff's] cause of action and this Commonwealth"); *Pisieczko v. Children's Hosp. of Philadelphia*, 73 A.3d 1260, 1261, 1264 (Pa. Super. 2013) (finding no abuse of discretion in *forum non conveniens* dismissal where New Jersey resident alleged injuries from New Jersey accident).

the same, and its failure to dismiss Plaintiffs' claims—or even amend its order to allow an interlocutory appeal—was an abuse of discretion.

2. The trial court offered several reasons why, in its view, retaining Plaintiffs' cases was appropriate. Trial Ct. Op. 1-3. Each is refuted by this Court's precedent.

First, the trial court concluded that Petitioners' *forum non conveniens* arguments had to overcome the presumption in favor of honoring Plaintiffs' chosen Pennsylvania forum. Trial Ct. Op. 2. However, this Court has held that "a court may find that the presumption in favor of a plaintiff's choice of forum may be less stringently considered when the plaintiff has chosen a foreign forum to litigate his or her claims." *Hovatter*, 193 A.3d at 424 (quoting *Aerospace Fin. Leasing, Inc. v. New Hampshire Ins. Co.*, 696 A.2d 810, 814 (Pa. Super. 1997)); *accord Ficarra*, 242 A.3d at 330. The rationale is clear: "[W]hen the home forum has been chosen, it is reasonable to assume that this choice is convenient. When the plaintiff is foreign, however, this assumption is much less reasonable." *Wright*, 215 A.3d at 992 (quoting *Aerospace Fin. Leasing*, 696 A.2d at 814). A Pennsylvanian that sues at home is presumptively suing in a forum convenient for her, and a court should be chary before requiring her to sue elsewhere. But a non-Pennsylvania plaintiff who brings claims to the Commonwealth should be viewed with suspicion, and a court should be more willing to dismiss in favor of the plaintiff's home forum.

The trial court here acknowledged that all the plaintiffs whose claims Petitioners sought to dismiss "are not Pennsylvania residents." Trial Ct. Op. 2. The trial court's *forum non conveniens* analysis therefore veered off track at the very start by assigning "great weight" to foreign plaintiffs' choice of forum. *See id.*

Second, the trial court believed that Petitioners failed to show they could not obtain evidence and witnesses for trial by domesticating Pennsylvania subpoenas in Plaintiffs' home States. *See* Trial Ct. Op. 3. Yet this Court has never required *forum non conveniens* movants to prove that it is *impossible* to obtain out-of-state evidence and witnesses for a Pennsylvania proceeding. The Court has instead held that one factor favoring dismissal is that all of a plaintiff's evidence and witnesses are located elsewhere. *See*, *e.g.*, *Engstrom*, 855 A.2d at 54 (finding *forum non conveniens* dismissal appropriate where "no documents or employees/prospective witnesses material to this litigation are located in Pennsylvania, except one former employee"); *Jessop*, 859 A.2d at 804 (finding *forum non conveniens* dismissal appropriate where "all known and additional witnesses likely reside outside of Pennsylvania"). Indeed, this Court has held it was enough for *forum non conveniens* purposes that "[t]he fact that the witnesses and documentary evidence are located in New Jersey make it *potentially* more difficult to try this case in Pennsylvania." *Cinousis*, 594 A.2d at 733 (emphasis added). The trial court abused its discretion in placing a too-high burden on Petitioners with respect to the availability of witnesses and evidence.

Third, the trial court believed that Plaintiffs' cases *do* have a connection to Pennsylvania because Chevron is incorporated in the Commonwealth. Trial Ct. Op. 4. Even though Chevron's Pennsylvania incorporation "may support findings of jurisdiction and venue," it is "not sufficiently weighty in consideration of a motion to dismiss for *forum non conveniens*." *Jessop*, 859 A.2d at 806. To that end, this Court has held that even a company being *headquartered* in Pennsylvania is not a sufficient connection between a plaintiff's claims and the Commonwealth when the plaintiff is foreign and all the relevant activities occurred elsewhere. *See*, *e.g.*, *Kennedy v. Crothall Healthcare, Inc.*, 321 A.3d 1065, 1081 (Pa. Super. 2024) ("[W]e find no support for Plaintiff's theory that a corporate defendant's Pennsylvania headquarters is enough by itself to defeat a *forum non conveniens* motion."); *Wright*, 215 A.3d at 996 (finding company's headquarters in Pennsylvania did not preclude *forum non conveniens* dismissal even where company was a "signature local name" with a "public presence"). If being headquartered in Pennsylvania is not enough to defeat a *forum non conveniens* dismissal, then Chevron's Pennsylvania incorporation—a historical artifact of Chevron acquiring Gulf Oil in 1985[3]—is not enough either.

[3] *See* Corporate Disclosure Statement, *Chevron U.S.A. Inc. v. EPA*, No. 21-1140 (D.C. Cir. June 18, 2021) (explaining that that the current-day Chevron U.S.A. Inc. is the result of Pennsylvania-incorporated Gulf Oil Corporation changing its name in 1985 following a merger with Chevron), *available at* https://perma.cc/A8DF-ML96.

Finally, the trial court insisted that transfer was unwarranted because it believed the Philadelphia Mass Tort Program "has been a model of case management"—with mass-tort-specialized staff attorneys and case administrators—of which these foreign plaintiffs "have availed themselves." Trial Ct. Op. 2, 4. The plaintiffs in *Engstrom*, too, argued that the *forum non conveniens* analysis should consider similar intangible benefits; the plaintiffs contended that the Court should take into account "the economic benefits accruing to Philadelphia from inclusion of foreign litigants in the mass tort program" and "a public policy of providing all litigants with a situs for adjudicating their cases." 855 A.2d at 57-58. This Court was unmoved by those arguments. It explained that Pennsylvania case law "has clearly identified the matters constituting the trial court's most significant concerns." *Id.* at 58. And the identified matters did not include the systematic benefits that the plaintiffs there—and the trial court here—attempted to shoehorn into the *forum non conveniens* test.

In sum, the trial court's ruling did not just contravene the holdings of this Court's *forum non conveniens* cases, but also embraced arguments that this Court's *forum non conveniens* cases considered and expressly rejected. This Court should correct this error by certifying the trial court's order for interlocutory appeal and reversing.

II. PERMITTING PLAINTIFFS' CLAIMS TO GO FORWARD WILL CREATE UNCERTAINTY FOR MANUFACTURERS AND CONDONE HARMFUL FORUM SHOPPING.

1. Allowing Plaintiffs' claims and claims like Plaintiffs' to go forward will create uncertainty for manufacturers haled into Pennsylvania on foreign claims. Plaintiffs' out-of-state domiciles and out-of-state exposures to paraquat means that their home-state law will to apply to their claims. *See Kornfeind v. New Werner Holding Co.*, 241 A.3d 1212, 1226-27 (Pa. Super. 2020) (laying out Pennsylvania's choice-of-law analysis, which focuses on, among other things "the place where the injury occurred" and "the place where the relationship, if any, between the parties is centered"); *cf. Bochetto v. Dimeling, Schreiber & Park*, 151 A.3d 1072, 1086 (Pa. Super. 2016) ("A trial court deciding a motion to dismiss on *forum non conveniens* grounds need not definitively discern what law would apply, but may surmise that foreign law might apply . . . ."). This Court, in turn, has "recognize[d] that the conflict of laws inquiry itself is burdensome to a domestic court." *Bochetto*, 151 A.3d at 1086. And the Court has therefore upheld *forum non conveniens* dismissals based, in part, on the fact that Pennsylvania judges are less-accustomed to applying other States' laws. *See Engstrom*, 855 A.2d at 57; *Cinousis*, 594 A.2d at 733.

The trial court dismissed the choice-of-law burden because it believed it had successfully applied other States' laws in other mass-tort cases. *See* Trial Ct. Op. 4. But having to apply other States' laws slows cases down and increases the risk of

error, because Pennsylvania judges do not have the same experience with the nuances of other States' laws that local judges do. That, in turn, creates uncertainty for manufacturers haled into Pennsylvania on foreign claims, because they cannot predict how a Pennsylvania judge will apply a different State's—or, in the case of mass-tort litigation involving plaintiffs from multiple non-Pennsylvania States—many different States' case law. Even if a Pennsylvania court can with time and effort accurately apply other States' laws, "[t]here is an appropriateness . . . in having the trial . . . in a forum that is at home with the state law that must govern the case, rather than having a court in some other forum untangle problems in conflicts of laws, and in law foreign to itself." *Plum*, 160 A.2d at 553. Manufacturers should have confidence that a State's tort law will be explained and developed by the courts of the State whose law applies—not the Philadelphia Mass-Tort Program.

2. Denying Petitioners' petition will bless Plaintiffs' "forum-shopping—suing in [Pennsylvania] because it [is] thought plaintiff-friendly, even though their cases had no tie to the State." *Ford Motor Co. v. Montana Eighth Judicial Dist. Ct.*, 592 U.S. 351, 370 (2021); *see also Mallory*, 600 U.S. at 153-154 & n.1 (Alito, J., concurring) (collecting sources detailing Pennsylvania's reputation as a plaintiff-friendly forum). This Court's *forum non conveniens* cases are acutely aware of this possibility, observing that "[a]pplication of the *forum non conveniens* doctrine in an interstate context solves the 'problem . . . that plaintiffs may bring the suit in an

inconvenient forum in the hope that they will secure easier or larger recoveries.' " *Ficarra*, 242 A.3d at 329 (quoting *Norman v. Norfolk & W. Ry. Co.*, 323 A.2d 850, 854 (Pa. Super. 1974)); *accord Powers v. Verizon Pa., LLC*, 230 A.3d 492, 497 (Pa. Super. 2020).

The burden of Plaintiffs' forum shopping falls primarily on the Philadelphia citizens who make up the City's jury pool. This Court has repeatedly emphasized that "[j]ury duty is a burden that ought not to be imposed upon the people of a community which has no relation to the litigation." *Engstrom*, 855 A.2d at 56; *accord Jessop*, 859A.2d at 803. In these cases, there is "no reason the people of Philadelphia County should bear the burden of jury duty for . . . case[s] with only tangential connections to Philadelphia County." *Pisieczko*, 73 A.3d at 1264.

The burden is particularly acute in toxic-tort cases like this one. One Philadelphia trial involving the weedkiller Roundup lasted three weeks. *See* Brendan Pierson, *Bayer Ordered to Pay $3.5 Million in Latest Roundup Weedkiller Trial*, Reuters (Dec. 6, 2023), https://perma.cc/V4PF-HY7J. A different Roundup case in San Francisco took eight weeks to try. James Cook, *Monsanto Ordered to Pay $289m Damages in Roundup Cancer Trial*, BBC (Aug. 10, 2018), https://www.bbc.com/news/world-us-canada-45152546. The trial court relied on the supposed benefits of mass adjudication in the Philadelphia Mass-Tort Program, but there were 4,277 mass-tort cases in the Program's backlog at the end of 2023,

the last year for which statistics are available. *See* First Judicial Dist., *2023 Annual Report* 16, https://perma.cc/X9DV-3TVX.

This Court should not "forc[e] disinterested local citizens to bear the burden of remote litigation while truly interested citizens los[e] their ability to monitor the proceedings." Steven B. McFarland, *A One-Two Punch to Forum Shopping: Recent Judicial and Legislative Amendments to South Carolina's Corporate Venue Jurisprudence*, 57 S.C. L. Rev. 465, 474 (2006) (describing the burdens that forum shopping places on localities). These judicial and juror resources are ones that can—and should—be put towards Pennsylvania disputes involving Pennsylvania citizens and Pennsylvania conduct. Plaintiffs' claims should be resolved by courts and juries that "have significant interests at stake—'providing [their fellow] residents with a convenient forum for redressing injuries inflicted by out-of-state actors,' as well as enforcing their own safety regulations." *Ford Motor Co.*, 592 U.S. at 368 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 473 (1985)).

3. This Court's intervention in this case is imperative because *forum non conveniens* is an important tool against abusive forum shopping in mass-tort and product-liability cases. Following the U.S. Supreme Court's decision in *Mallory*, Pennsylvania may—consistent with the Due Process Clause—condition the privilege of doing business in the Commonwealth on a foreign corporation

registering to do business and consenting to general jurisdiction. 600 U.S. at 125.[4] As most large manufacturers do business in the Commonwealth, defendants in future product-liability and mass-tort cases will be subject to general jurisdiction in Pennsylvania, removing personal jurisdiction as a defense against forum-shopping plaintiffs.

This leaves *forum non conveniens* to do the job, and this Court should grant the petition so that Pennsylvania trial courts have guidance on how to properly apply the doctrine. After all, "[t]he doctrine of *forum non conveniens* 'provides the court with a means of looking beyond technical considerations such as jurisdiction and venue to determine whether litigation in the plaintiff's chosen forum would serve the interests of justice under the particular circumstances.' " *Wright*, 215 A.3d at 991 (quoting *Alford v. Philadelphia Coca-Cola Bottling Co.*, 531 A.2d 792, 794 (Pa. Super. 1987)). The Court should reaffirm that under the doctrine of *forum non conveniens*, defendants are not subject to suit in Pennsylvania on claims with no factual connection to the Commonwealth.

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[4] *Mallory* left open whether consent-by-registration general jurisdiction is permissible under the dormant Commerce Clause, and, for the reasons explained in Justice Alito's concurrence and in NAM's previous *amicus* brief in this Court, it is not. *See Mallory*, 600 U.S. at 150-163 (Alito, J., concurring); Brief of National Association of Manufacturers as *Amicus Curiae*, *Syngenta Crop Protection, LLC v. Nemeth* 4-14, No. 160 EDM 2023 (Nov. 22, 2023). But until the Pennsylvania courts or the U.S. Supreme Court addresses the issue, *forum non conveniens* will remain important for registered foreign corporations for the reasons explained in text.

CONCLUSION

For the foregoing reasons and those in the petition, the petition should be granted.

Respectfully submitted,

/s/ Jasmeet K. Ahuja
JASMEET K. AHUJA (PA. NO. 322093)
HOGAN LOVELLS US LLP
1735 MARKET STREET
Philadelphia, PA 19103
(267) 675-4600
jasmeet.ahuja@hoganlovells.com

Counsel for Amicus Curiae
National Association of Manufacturers

September 11, 2025

CERTIFICATE OF COMPLIANCE

I certify under Pa. R.A.P. 2135(d) that, excluding the parts of the document exempted by Pa. R.A.P. 2135(b), this document contains 3,854 words.

/s/ Jasmeet K. Ahuja
Jasmeet K. Ahuja