



CAPTION

Konrad Kurach, Appellant
v.
Truck Insurance Exchange, Appellee

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal
Case Status: Closed
Journal Number: J-3A-2020 March 10, 2020
Case Category: Civil Case Type(s): Contracts

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
13 EAP 2019 Lower Court	Consolidated

COUNSEL INFORMATION

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IFP Status:		
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IFP Status:		
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IFP Status:		



COUNSEL INFORMATION

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IFP Status:		



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 Pro Se: No
 IFP Status:



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 Pro Se: No
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 IFP Status:
 Representing: National Association of Mutual Insurance Companies, Appellee Amicus Curiae
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 IFP Status:
 Representing: Insurance Federation of Pennsylvania, Appellee Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: National Association of Mutual Insurance Companies, Appellee Amicus Curiae
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of Superior Court entered on August 24, 2018 at No. 1726 EDA 2017 (reargument denied October 10, 2018) reversing the Order entered on April 21, 2017 and remanding to the Court of Common Pleas, Philadelphia County, Civil Division at No. 00339 July Term, 2015.

Probable Jurisdiction Noted: Docketed Date: May 29, 2019
 Allocatur/Miscellaneous Granted: May 29, 2019 Allocatur/Miscellaneous Docket No.: 531 EAL 2018
 Allocatur/Miscellaneous Grant Order: AND NOW, this 29th day of May, 2019, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioner, is:

Did the Superior Court err as a matter of law in finding that the limitation of payment of General Contractors Overhead and Profit from actual cash value in a replacement cost policy, although violative of binding precedent, was nonetheless valid and enforceable?

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 1726 EDA 2017
 Date of Order: August 24, 2018 Rearg/Recon Disp Date: October 10, 2018
 Rearg/Recon Disposition: Denied
 Judge(s): Panella, Jack A.
 Olson, Judith F.
 Stevens, Correale F.
 Intermediate Appellate Court Action: Reversed/Remanded
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 12 EAP 2019

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September 28, 2022

Court Below: Philadelphia County Court of Common Pleas
 County: Philadelphia Division: Philadelphia County Civil Division
 Date of Agency/Trial Court Order: April 21, 2017
 Docket Number: July Term, 2015 No. 00339
 Judge(s): Djerassi, Ramy I. OTN:
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Record Electronically Transmitted	May 29, 2019	

Record Remittal: September 9, 2020

BRIEFING SCHEDULE

Appellant		Appellee	
Kurach, Konrad		Truck Insurance Exchange	
Brief		Brief	
Due: July 29, 2019	Filed: July 26, 2019	Due: September 16, 2019	Filed: September 16, 2019
Reply Brief		Supplemental Reproduced Record	
Due: October 15, 2019	Filed: October 7, 2019		
Reproduced Record		Appellee Amicus Curiae	
Due: July 29, 2019	Filed: July 26, 2019	American Property Casualty Insurance Association	
		Brief	
		Due: September 16, 2019	Filed: September 16, 2019
Appellant Amicus Curiae		Insurance Federation of Pennsylvania	
Pennsylvania Association for Justice		Brief	
Due: July 29, 2019	Filed: July 22, 2019	Due: September 16, 2019	Filed: September 16, 2019
United Policyholders		National Association of Mutual Insurance Companies	
Brief		Brief	
Due: July 29, 2019	Filed: July 29, 2019	Due: September 16, 2019	Filed: September 16, 2019

SESSION INFORMATION

Journal Number: J-3A-2020
 Listed/Submitted Date: March 10, 2020
 Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No:	J-3A-2020	Judgment Date:	August 18, 2020
Category:	Decided	Disposition Author:	Todd, Debra
Disposition:	Affirmed	Disposition Date:	August 18, 2020



DISPOSITION INFORMATION

Dispositional Filing:	Majority Opinion	Author:	Todd, Debra
Filed Date:	August 18, 2020		
Justice:	Saylor, Thomas G.	Vote:	Join Majority Opinion
Justice:	Baer, Max	Vote:	Join Majority Opinion
Justice:	Donohue, Christine	Vote:	Join Majority Opinion
Dispositional Filing:	Concurring/Dissenting Opinion	Author:	Wecht, David N.
Filed Date:	August 18, 2020		
Dispositional Filing:	Concurring/Dissenting Opinion	Author:	Mundy, Sallie
Filed Date:	August 18, 2020		
Justice:	Dougherty, Kevin M.	Vote:	Join Concurring and Dissenting Opinion

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 29, 2019	Allocatur Granted		Per Curiam
Comments: AND NOW, this 29th day of May, 2019, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by Petitioner, is: Did the Superior Court err as a matter of law in finding that the limitation of payment of General Contractors Overhead and Profit from actual cash value in a replacement cost policy, although violative of binding precedent, was nonetheless valid and enforceable?			
May 29, 2019	Superior Court Record Electronically Transmitted		Superior Court of Pennsylvania
June 7, 2019	Designation of Contents of Reproduced Record	Appellant	Kurach, Konrad
June 17, 2019	Counter Designation of Contents of Reproduced Record	Appellee	Truck Insurance Exchange
June 25, 2019	Motion for Extension of Time to File Reproduced Record and Brief of Appellants	Appellant	Kurach, Konrad
June 26, 2019	Motion for Extension to File Reproduced Record and Brief of Appellants		Person, John W., Jr.

Comments:
AND NOW, this 26th day of June, 2019, Motion for Extension to File Reproduced Record and Brief of Appellants is GRANTED. Appellant's Brief is due on or before July 29, 2019.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 26, 2019	Order Exited		Office of the Prothonotary
July 17, 2019	Praecipe for Appearance Pennsylvania Association for Justice	Appellant Amicus Curiae	Cooper, Scott B.
July 17, 2019	Praecipe for Appearance Pennsylvania Association for Justice	Appellant Amicus Curiae	Trone, Abbie Csovelak
July 22, 2019	Appellant Amicus Curiae Brief	Amicus Curiae	Pennsylvania Association for Justice
July 26, 2019	Appellant's Reproduced Record Filed	Appellant	Kurach, Konrad
July 26, 2019	Appellant's Brief	Appellant	Kurach, Konrad
July 29, 2019	Appellant Amicus Curiae Brief	Appellant Amicus Curiae	United Policyholders
August 7, 2019	Praecipe for Entry of Appearance as Co-Counsel Kurach, Konrad	Appellant	Haggerty, James C.
August 7, 2019	Praecipe for Entry of Appearance as Co-Counsel Kurach, Konrad Pennsylvania Association for Justice	Appellant Appellant Amicus Curiae	Haggerty, James C. Haggerty, James C.
August 12, 2019	Application for Extension of Time to File Brief - First Request	Appellee	Truck Insurance Exchange
August 13, 2019	Order Granting Application for Extension of Time to File Appellee Brief		Person, John W., Jr.
Comments: AND NOW, this 13th day of August, 2019, Appellee's Unopposed Application for Extension of Time to File Brief is GRANTED. Appellee's Brief is due on or before September 16, 2019.			
August 13, 2019	Order Exited		Office of the Prothonotary
September 16, 2019	Appellee's Brief	Appellee	Truck Insurance Exchange
September 16, 2019	Appellee Amicus Curiae Brief	Appellee Amicus Curiae Appellee Amicus Curiae Appellee Amicus Curiae	Insurance Federation of Pennsylvania American Property Casualty Insurance Association National Association of Mutual Insurance Companies



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 26, 2019	Motion for Extension to File Reply Brief of Appellant	Appellant	Kurach, Konrad
September 26, 2019	Appellee's Answer to Appellants' Application For Extension of Time to File Reply Brief	Appellee	Truck Insurance Exchange
September 26, 2019	Motion For Extension to File Reply Brief is GRANTED in part		Person, John W., Jr.
Comments: AND NOW, this 26th day of September, 2019, Motion For Extension to File Reply Brief is GRANTED in part. Appellant's Reply Brief is due on or before October 14, 2019.			
September 26, 2019	Order Exited		Office of the Prothonotary
October 7, 2019	Appellant's Reply Brief	Appellant Appellant Amicus Curiae	Kurach, Konrad Pennsylvania Association for Justice
January 8, 2020	Acknowledgement of Argument Notice	Truck Insurance Exchange Appellee	Feltoon, Robert N.
January 8, 2020	Acknowledgement of Argument Notice	Truck Insurance Exchange Appellee	Garden, Andrew Kabnick
January 9, 2020	Acknowledgement of Argument Notice	Kurach, Konrad Appellant	Silverman, Howard Glenn
January 10, 2020	Acknowledgement of Argument Notice	Kurach, Konrad Appellant	Wheeler, Jonathan
January 17, 2020	Acknowledgement of Argument Notice	Pennsylvania Association for Justice Kurach, Konrad Appellant Amicus Curiae Appellant	Haggerty, James C. Haggerty, James C.
March 10, 2020	Argued	Kurach, Konrad Truck Insurance Exchange Appellant Appellee	Haggerty, James C. Feltoon, Robert N.
August 18, 2020	Affirmed		Todd, Debra

Comments:
Order affirmed.

Chief Justice Saylor and Justices Baer and Donohue join the opinion.

Justice Wecht files a concurring and dissenting opinion.

Justice Mundy files a concurring and dissenting opinion in which Justice Dougherty joins.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 18, 2020	Judgment Entered		Office of the Prothonotary
September 9, 2020	Original Record Remitted to Court of Common Pleas Philadelphia County Civil Division		Office of the Prothonotary
October 9, 2020	Acknowledgement of Record Remittal		Philadelphia County Civil Division

CROSS COURT ACTIONS

Docket Number:	1726 EDA 2017
Docket Number:	531 EAL 2018