



CAPTION

Gary L. Gregg and Mary E. Gregg, Appellees

v.

Ameriprise Financial, Inc., Ameriprise Financial Services, Inc., Riversource Life Insurance Company and Robert A. Kovalchik, Appellants

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-31-2020 May 21, 2020

Case Category: Civil Case Type(s): Other

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

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Representing: Ameriprise Financial Services Inc., Appellant

Pro Se: No

IFP Status:

Representing: Ameriprise Financial, Inc., Appellant

Pro Se: No

IFP Status:

Representing: Kovalchik, Robert A., Appellant

Pro Se: No

IFP Status:

Representing: Riversource Life Insurance Company, Appellant

Pro Se: No

IFP Status:



COUNSEL INFORMATION

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Representing:	Gregg, Mary E., Appellee	
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Pro Se:	No	
IFP Status:		



COUNSEL INFORMATION

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 IFP Status:
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 IFP Status:
 Representing: Community Legal Services, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Consumer Federation of America, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Legal Aid of Southeastern Pennsylvania, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: National Association of Consumer Advocates, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: National Consumer Law Center, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Neighborhood Legal Services, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Legal Aid Network, Inc., Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Legal Assistance Center, Amicus Curiae
 Pro Se: No
 IFP Status:

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 IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:
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 Pro Se: No
 IFP Status:
 Representing: Chamber of Commerce of the United States of America, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: National Federation of Independent Business, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Bankers Association, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Coalition for Civil Justice Reform, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Health Care Association, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Manufacturers' Association, Amicus Curiae
 Pro Se: No
 IFP Status:
 Representing: University of Pittsburgh Medical Center, Amicus Curiae
 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

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 Representing: Pennsylvania Association of Realtors, Amicus Curiae
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of the Superior Court entered September 12, 2018 at No. 1504 WDA 2017, affirming the Judgment of the Court of Common Pleas of Allegheny County entered September 27, 2017 at No. GD 01-006611.

Probable Jurisdiction Noted: Docketed Date: June 27, 2019
 Allocatur/Miscellaneous Granted: June 27, 2019 Allocatur/Miscellaneous Docket No.: 490 WAL 2018

Allocatur/Miscellaneous Grant Order: AND NOW, this 27th day of June, 2019, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioners, is:

Whether the Superior Court improperly held that a strict liability standard applies to a claim under the "catch-all" provision of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1 et seq as amended in 1996, even though the provision expressly requires proof of "fraudulent or deceptive conduct."

The Application for Leave to File Statement in Support of Petition for Allowance of Appeal is DENIED as moot.

FEE INFORMATION

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

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 29 WAP 2019

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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Superior Docket Number: 1504 WDA 2017
 Date of Order: September 12, 2018 Rearg/Recon Disp Date: November 21, 2018
 Rearg/Recon Disposition: Denied
 Judge(s): Ott, Paula Francisco
 Kunselman, Deborah A.
 Musmanno, John L.
 Intermediate Appellate Court Action: Affirmed
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Allegheny County Court of Common Pleas
 County: Allegheny Division: Allegheny County Civil Division
 Date of Agency/Trial Court Order: September 27, 2017
 Docket Number: G.D 01-006611
 Judge(s): Marmo, Michael F. OTN:
 Order Type: Judgment

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	June 27, 2019	***Filed Electronically***
Record Remittal:	March 9, 2021	

BRIEFING SCHEDULE

Amicus Curiae	Appellee
American Property Casualty Insurance Association	Gregg, Gary L.
Brief	Brief
Due: September 5, 2019 Filed: September 5, 2019	Due: November 5, 2019 Filed: November 5, 2019
American Tort Reform Association	Gregg, Mary E.
Brief	Brief
Due: September 5, 2019 Filed: September 5, 2019	Due: November 5, 2019 Filed: November 5, 2019
Attorney General	
Brief	
Due: November 5, 2019 Filed: November 5, 2019	
Chamber of Commerce of the United States of America	
Brief	
Due: September 5, 2019 Filed: September 5, 2019	
National Consumer Law Center	
Brief	
Due: November 5, 2019 Filed: November 5, 2019	
National Federation of Independent Business	
Brief	



BRIEFING SCHEDULE

Amicus Curiae

National Federation of Independent Business

Brief

Due: September 5, 2019 Filed: September 5, 2019

Pennsylvania Association for Justice

Brief

Due: November 5, 2019 Filed: November 4, 2019

Pennsylvania Association of Realtors

Brief

Due: September 5, 2019 Filed: September 5, 2019

Pennsylvania Bankers Association

Brief

Due: September 5, 2019 Filed: September 5, 2019

Pennsylvania Builders Association

Brief

Due: September 5, 2019 Filed: September 5, 2019

Pennsylvania Coalition for Civil Justice Reform

Brief

Due: September 5, 2019 Filed: September 5, 2019

Pennsylvania Health Care Association

Brief

Due: September 5, 2019 Filed: September 5, 2019

Pennsylvania Manufacturers' Association

Brief

Due: September 5, 2019 Filed: September 5, 2019

University of Pittsburgh Medical Center

Brief

Due: September 5, 2019 Filed: September 5, 2019

Appellant

Ameriprise Financial Services Inc.

Brief

Due: September 5, 2019 Filed: September 5, 2019

Reply Brief

Due: November 26, 2019 Filed: November 26, 2019

Reproduced Record

Due: September 5, 2019 Filed: September 5, 2019

Ameriprise Financial, Inc.



BRIEFING SCHEDULE

Appellant

Ameriprise Financial, Inc.

Brief

Due: September 5, 2019 Filed: September 5, 2019

Reply Brief

Due: November 26, 2019 Filed: November 26, 2019

Kovalchik, Robert A.

Brief

Due: September 5, 2019 Filed: September 5, 2019

Reply Brief

Due: November 26, 2019 Filed: November 26, 2019

Reproduced Record

Due: September 5, 2019 Filed: September 5, 2019

Riversource Life Insurance Company

Brief

Due: September 5, 2019 Filed: September 5, 2019

Reply Brief

Due: November 26, 2019 Filed: November 26, 2019

Reproduced Record

Due: September 5, 2019 Filed: September 5, 2019

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:

Disposition:

Date:

Reargument Order:

Record Remittal: March 9, 2021

SESSION INFORMATION

Journal Number: J-31-2020
 Listed/Submitted Date: May 21, 2020
 Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No:	J-31-2020	Judgment Date:	February 17, 2021
Category:	Decided	Disposition Author:	Wecht, David N.
Disposition:	Affirmed	Disposition Date:	February 17, 2021



DISPOSITION INFORMATION

Dispositional Filing:	Majority Opinion	Author:	Wecht, David N.
Filed Date:	February 17, 2021		
Justice:	Donohue, Christine	Vote:	Joins
Justice:	Dougherty, Kevin M.	Vote:	Joins
Justice:	Mundy, Sallie	Vote:	Joins
Dispositional Filing:	Dissenting Opinion	Author:	Todd, Debra
Filed Date:	February 17, 2021		
Justice:	Saylor, Thomas G.	Vote:	Joins
Justice:	Baer, Max	Vote:	Joins

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 27, 2019	Allocatur Granted		Per Curiam
<p>Comments: AND NOW, this 27th day of June, 2019, the Petition for Allowance of Appeal is GRANTED. The issue, as stated by petitioners, is:</p> <p>Whether the Superior Court improperly held that a strict liability standard applies to a claim under the "catch-all" provision of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1 et seq as amended in 1996, even though the provision expressly requires proof of "fraudulent or deceptive conduct."</p> <p>The Application for Leave to File Statement in Support of Petition for Allowance of Appeal is DENIED as moot.</p>			
June 27, 2019	Superior Court Record Received		Superior Court of Pennsylvania
July 3, 2019	Designation of Contents of Reproduced Record	Appellant	Riversource Life Insurance Company
		Appellant	Ameriprise Financial, Inc.
		Appellant	Ameriprise Financial Services Inc.
		Appellant	Kovalchik, Robert A.
July 16, 2019	Application for Extension of Time to File Brief - First Request	Appellant	Riversource Life Insurance Company
		Appellant	Ameriprise Financial, Inc.
		Appellant	Ameriprise Financial Services Inc.
		Appellant	Kovalchik, Robert A.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 16, 2019	Order Granting Application for Extension of Time to File Brief and Reproduced Record		Vaskov, John A.
Comments:			
AND NOW, this 16th day of July, 2019, the application for extension of time is granted. The Appellants' brief and reproduced record shall be served and filed on or before September 5, 2019.			
July 16, 2019	Order Exited		Office of the Prothonotary
September 5, 2019	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Coalition for Civil Justice Reform
		Amicus Curiae	Pennsylvania Bankers Association
		Amicus Curiae	Pennsylvania Health Care Association
		Amicus Curiae	Pennsylvania Manufacturers' Association
		Amicus Curiae	University of Pittsburgh Medical Center
		Amicus Curiae	American Property Casualty Insurance Association
		Amicus Curiae	American Tort Reform Association
		Amicus Curiae	Chamber of Commerce of the United States of America
		Amicus Curiae	National Federation of Independent Business
September 5, 2019	Appellant's Brief	Appellant	Riversource Life Insurance Company
		Appellant	Ameriprise Financial, Inc.
		Appellant	Ameriprise Financial Services Inc.
		Appellant	Kovalchik, Robert A.
September 5, 2019	Appellant's Reproduced Record Filed	Appellant	Riversource Life Insurance Company
		Appellant	Ameriprise Financial, Inc.
		Appellant	Ameriprise Financial Services Inc.
		Appellant	Kovalchik, Robert A.
September 5, 2019	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Association of Realtors



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 5, 2019	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Builders Association
September 9, 2019	Application for Extension of Time to File Brief - First Request	Appellee Appellee	Gregg, Gary L. Gregg, Mary E.
September 10, 2019	Order Granting Application for Extension of Time to File Appellee Brief in Part		Vaskov, John A.
Comments: AND NOW, this 10th day of September, 2019, the application for extension of time is granted in part. The Appellees' brief shall be served and filed on or before November 5, 2019.			
September 10, 2019	Order Exited		Office of the Prothonotary
September 16, 2019	Praeipice for Appearance Pennsylvania Association of Realtors	Amicus Curiae	Reed, Michael Donahoo
November 4, 2019	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Association for Justice
November 5, 2019	Amicus Curiae Brief	Amicus Curiae Amicus Curiae Amicus Curiae	National Consumer Law Center National Association of Consumer Advocates Community Legal Services
November 5, 2019	Appellee's Brief	Appellee Appellee	Gregg, Gary L. Gregg, Mary E.
November 5, 2019	Amicus Curiae Brief	Amicus Curiae	Attorney General
November 11, 2019	Application for Extension of Time to File Brief - First Request	Appellant Appellant Appellant Appellant	Riversource Life Insurance Company Ameriprise Financial, Inc. Ameriprise Financial Services Inc. Kovalchik, Robert A.
November 12, 2019	Order Granting Application for Extension of Time to File Brief		Per Curiam

Comments:

AND NOW, this 12th day of November, 2019, the application for extension of time is granted. The Appellants' reply brief shall be served and filed on or before November 26, 2019. The request to exceed the word count limit of Pa.R.A.P. 2135(a)(1) is granted. The reply brief shall not exceed 8,500 words.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 12, 2019	Order Exited		Office of the Prothonotary
November 26, 2019	Appellant's Reply Brief	Appellant	Riversource Life Insurance Company
		Appellant	Ameriprise Financial, Inc.
		Appellant	Ameriprise Financial Services Inc.
		Appellant	Kovalchik, Robert A.
March 6, 2020	Acknowledgement of Argument Notice		
	Riversource Life Insurance Company	Appellant	Condo, Kathy Kay
	Kovalchik, Robert A.	Appellant	Condo, Kathy Kay
	Ameriprise Financial, Inc.	Appellant	Condo, Kathy Kay
	Ameriprise Financial Services Inc.	Appellant	Condo, Kathy Kay
March 9, 2020	Acknowledgement of Argument Notice		
	Gregg, Gary L.	Appellee	Behrend, Kenneth Robert
	Gregg, Mary E.	Appellee	Behrend, Kenneth Robert
April 7, 2020	Application for Oral Argument		
		Appellant	Riversource Life Insurance Company
		Appellant	Ameriprise Financial, Inc.
		Appellant	Ameriprise Financial Services Inc.
		Appellant	Kovalchik, Robert A.
April 21, 2020	Order Granting Application for Oral Argument		Per Curiam
	Comments:		
	AND NOW, this 21st day of April, 2020, the Motion of Appellants for Oral Argument is GRANTED, and argument will be scheduled in due course.		
April 21, 2020	Order Exited		Office of the Prothonotary
May 21, 2020	Argued		
	Riversource Life Insurance Company	Appellant	Condo, Kathy Kay
	Kovalchik, Robert A.	Appellant	Condo, Kathy Kay
	Ameriprise Financial, Inc.	Appellant	Condo, Kathy Kay
	Ameriprise Financial Services Inc.	Appellant	Condo, Kathy Kay
	Gregg, Gary L.	Appellee	Behrend, Kenneth Robert
	Gregg, Mary E.	Appellee	Behrend, Kenneth Robert



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 17, 2021	Affirmed		Wecht, David N.
Comments: Because the Superior Court was correct in its characterization of the catch-all provision as a strict liability provision, we affirm. Justices Donohue, Dougherty and Mundy join the opinion. Justice Todd files a dissenting opinion in which Chief Justice Saylor and Justice Baer join .			
February 17, 2021	Judgment Entered		Office of the Prothonotary
March 9, 2021	Remitted		Office of the Prothonotary
March 12, 2021	Acknowledgement of Record Remittal		Allegheny County Civil Division

CROSS COURT ACTIONS

Docket Number: 1504 WDA 2017
 Docket Number: 490 WAL 2018