

MARK WEBB, AS ADMINISTRATOR FOR
THE ESTATE OF SABINO WEBB,
DECEASED

Appellant

v.

VOLVO CARS OF NORTH AMERICA, LLC,
VOLVO CARS CORPORATION, GRACO
CHILDREN'S PRODUCTS, INC. (D/B/T/A
NEWELL RUBBERMAID, INC.), WILLIAM
JULIAN, AND ANA (WEBB) SOARES

Appellees

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 1367 EDA 2014

Appeal from the Judgment Entered March 26, 2014
In the Court of Common Pleas of Philadelphia County
Civil Division at No: 110500208

BEFORE: FORD ELLIOTT, P.J.E., STABILE, and STRASSBURGER,* JJ.

CONCURRING OPINION BY STRASSBURGER, J.: **FILED SEPTEMBER 09, 2016**

I agree with and join the Majority's erudite disposition of this matter holding that Appellant is entitled to a new trial based on the trial court's erroneous jury instruction. My joinder includes the Majority's discussion of ***Tincher v. Omega Flex, Inc.***, 104 A.3d 328 (Pa. 2014). I write separately to note my position that, in light of the Majority's holding, it is unnecessary and perhaps confusing to address the remaining issues on appeal. To say that an evidentiary ruling is not an abuse of discretion does not preclude the possibility that the opposite ruling also would not be an abuse of discretion. Therefore, I respectfully concur.

* Retired Senior Judge assigned to the Superior Court.