

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

RICHARD A. MARLETTE, SR. AND : IN THE SUPERIOR COURT OF  
MARLEEN MARLETTE, HIS WIFE, : PENNSYLVANIA

Appellants

v.

STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY AND HERMAN L. :  
JORDAN, :

Appellees

No. 623 WDA 2009

Appeal from the Order entered on March 24, 2009  
in the Court of Common Pleas of Allegheny County,  
Civil Division, No. GD 06-015333

RICHARD A. MARLETTE, SR. AND : IN THE SUPERIOR COURT OF  
MARLEEN MARLETTE, HIS WIFE, : PENNSYLVANIA

v.

STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY AND HERMAN L. :  
JORDAN, :

APPEAL OF: STATE FARM MUTUAL :  
AUTOMOBILE INSURANCE COMPANY, :

Appellant

No. 703 WDA 2009

Appeal from the Order entered on March 24, 2009  
in the Court of Common Pleas of Allegheny County,  
Civil Division, No. GD 06-015333

BEFORE: MUSMANNO, BENDER and BOWES, JJ.

JUDGMENT ORDER BY MUSMANNO, J.:

Filed: January 25, 2013

This consolidated case is presently before this panel on remand from  
the Pennsylvania Supreme Court, which vacated this Court's prior decision

regarding the proper amount of delay damages to which the plaintiffs in the underlying uninsured motorist (“UM”) case, Richard A. Marlette, Sr., and his wife, Marleen Marlette (collectively “the Marlettes”), were entitled. **See *Marlette v. State Farm Mut. Auto. Ins. Co.***, 2012 Pa. LEXIS 3009; 2012 WL 6720916 (Pa. 2012).<sup>1</sup> The Supreme Court in ***Marlette*** instructed this Court to remand the case to the Court of Common Pleas of Allegheny County for the trial court to reinstate its original award of delay damages to the Marlettes.<sup>2</sup>

Pursuant to the Supreme Court’s direction in ***Marlette***, the case is remanded to the trial court for reinstatement of the trial court’s original award of delay damages.

Case remanded with instructions; Superior Court jurisdiction relinquished.

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<sup>1</sup> In the interest of judicial economy, we will neither reiterate the factual or procedural history underlying this case nor recite the rationale of the learned Majority in ***Marlette***. This information can be found in the Supreme Court’s Opinion. ***See Marlette, supra.***

<sup>2</sup> By an Order entered on March 24, 2009, the trial court ordered State Farm Mutual Automobile Insurance Company to pay the Marlettes delay damages in the amount of \$28,223.76 in the underlying UM case.