

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

THE BERT COMPANY D/B/A  
NORTHWEST INSURANCE SERVICES

v.

MATTHEW TURK, WILLIAM COLLINS,  
JAMIE HEYNES, DAVID MCDONNELL,  
FIRST NATIONAL INSURANCE AGENCY,  
LLC, FIRST NATIONAL BANK, AND FNB  
CORPORATION

PETITION OF: MATTHEW TURK, FIRST  
NATIONAL INSURANCE AGENCY, LLC,  
FIRST NATIONAL BANK, AND FNB  
CORPORATION

THE BERT COMPANY D/B/A  
NORTHWEST INSURANCE SERVICES

v.

MATTHEW TURK, WILLIAM COLLINS,  
JAMIE HEYNES, DAVID MCDONNELL,  
FIRST NATIONAL INSURANCE  
AGENCY, LLC, FIRST NATIONAL BANK  
AND FNB CORPORATION

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MATTHEW TURK

v.

THE BERT COMPANY, NORTHWEST  
BANK, AND NORTHWEST BANCSHARES,  
INC.

: No. 320 WAL 2021  
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: Petition for Allowance of Appeal  
: from the Order of the Superior Court

: No. 321 WAL 2021  
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: Petition for Allowance of Appeal  
: from the Order of the Superior Court

PETITION OF: MATTHEW TURK, FIRST :  
NATIONAL INSURANCE AGENCY, LLC, :  
FIRST NATIONAL BANK, AND FNB :  
CORPORATION :

## ORDER

### PER CURIAM

**AND NOW**, this 29th day of March, 2022, the Petition for Allowance of Appeal is **GRANTED**, limited to the following issues, as phrased by Petitioners:

- a. Whether, in cases where the compensatory damages award is substantial, a punitive-to-compensatory damages ratio exceeding 9:1 is presumptively unconstitutional under U.S. Supreme Court precedent?
- b. Whether in cases involving joint and several liability—where compensatory damages are awarded, cumulatively, against all defendants and not on an individualized basis—the constitutionally permissible ratio of punitive-to-compensatory damages is calculated on a per-judgment basis and not a per-defendant basis?
- c. Whether, in reviewing the constitutionality of a punitive damages award, a court cannot consider the speculative potential harm that the plaintiff could have suffered and introduce it as a *post hoc* justification for the award, especially when the plaintiff did not present evidence of potential harm to the jury?

In all other respects, the petition is **DENIED**. Additionally, the PCCJR's application to file an *amicus* brief in support of granting allowance of appeal is dismissed as moot.