

Bond Case Briefs

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LIABILITY - PENNSYLVANIA

Nagle v. Trueblue, Inc.

Commonwealth Court of Pennsylvania - April 2, 2014 - Not Reported in A.3d - 2014 WL 1327611

After dude falls off the back of a garbage truck and dies (awkward eulogy alert), executor brought negligence action in Dauphin County against the Township and the Employment Agency.

The complaint also alleged that venue was proper in Dauphin County because the cause of action against the Employment Agency arose in Dauphin County and because transactions or occurrences took place in Dauphin County, out of which the cause of action against the Township arose.

The Township argued that the only viable cause of action that Executor may raise against it in this case could arise from the purported negligent operation of the Township-owned truck pursuant to the vehicle exception to governmental immunity under [Section 8542\(b\)\(1\) of the Judicial Code, 42 Pa.C.S. § 8542\(b\)\(1\)](#). Because the purportedly negligent operation of the truck only occurred in Perry County, the Township claimed that venue is only proper in that county under [Pa. R.C.P. No. 2103\(b\)](#) and Section 333 of the JARA Continuation Act, and that the trial court erred in overruling its preliminary objection to venue. The appeals court agreed, reverse/remanding.