

2022 PA Super 140

MARK AND LEAH GUSTAFSON, : IN THE SUPERIOR COURT
INDIVIDUALLY AND AS : OF
ADMINISTRATORS AND PERSONAL : PENNSYLVANIA
REPRESENTATIVES OF THE ESTATE :
OF JAMES ROBERT ("J.R.") :
GUSTAFSON :

Appellants :

v. :

SPRINGFIELD, INC. D/B/A :
SPRINGFIELD ARMORY AND SALOOM :
DEPARTMENT STORE AND SALOOM :
DEPT. STORE, LLC D/B/A SALOOM :
DEPARTMENT STORE; :

Appellees :

THE UNITED STATES OF AMERICA, :

Intervenor :

No. 207 WDA 2019

Appeal from the Order Entered January 15, 2019
In the Court of Common Pleas of Westmoreland County
Civil Division at No(s): 1126 of 2018

BEFORE: PANELLA, P.J.; BENDER, P.J.E.; BOWES, J.; LAZARUS, J; OLSON,
J.; DUBOW, J.; KUNSELMAN, J.; MURRAY, J.; and McCAFFERY, J.

PER CURIAM: **FILED: AUGUST 12, 2022**

The order of the trial court sustaining preliminary objections is reversed,
and the case is remanded for further proceedings. Jurisdiction relinquished.

KUNSELMAN, J. files an opinion in support of the per curiam order to
reverse in which PANELLA, P.J. and LAZARUS, J. join.

BENDER, P.J.E. files an opinion in support of the per curiam order to reverse.

DUBOW, J. files an opinion in support of the per curiam order to reverse.

OLSON, J. files a dissenting opinion in which BOWES and McCAFFERY, JJ. join,
and MURRAY, J. concurs in the result.

MURRAY, J. files a dissenting opinion in which BOWES, OLSON and McCAFFERY, JJ. concur in the result.