

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

EDWARD J. WOJDYLAK, ET AL.,

Plaintiffs,

v.

A. O. SMITH CORPORATION, ET AL.,

Defendants.

ORDER OF COURT

GD 15 - 017570

FILED BY:  
JUDGE W. TERRENCE O'BRIEN

Copies handed to all counsel

FILED  
16 SEP 14 PM 3:32  
DEPT OF COURT RECORDS  
CIVIL FAMILY DIVISION  
ALLEGHENY COUNTY PA

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AND NOW, to wit, this 14th day of September, 2016, after

extensive argument and review of the record and the applicable law, I find

- 1) With the exception of punitive and/or exemplary damages, Judge Marmo of this court has not ruled on whether Michigan or Pennsylvania law applies in this case on the issue of damages, and
- 2) *Laudenberger v. Port Authority of Allegheny County*, 436 A.2d 147 (Pa. 1981), compels the conclusion that the law of damages constitutes procedural law. All issues relating to damages, therefore, will be resolved under Pennsylvania law. *Gasperini v. Center for Humanities*, 518 U.S. 415 (1996), to the extent it is at odds with my ruling, is not binding on this court because the Supreme Court of the United States was simply ruling on a matter of federal law in its capacity as the highest court in the federal court system. BY THE COURT

O'Brien, J.