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# Pennsylvania Supreme Court's Ruling in *Tranter* Clarifies Standard for Intrastate Venue Transfers

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*Litigation Alert*

(by **Joseph Schaeffer** and **Ryan McCann**)

On September 25, 2025, the Pennsylvania Supreme Court clarified the standard governing motions to transfer venue under the doctrine of *forum non conveniens* and Rule 1006(d)(1) of the Pennsylvania Rules of Civil Procedure. The rule, together with its complementary doctrine, permits a party to seek transfer of venue—even when venue is otherwise proper—to another county "for the convenience of parties and witnesses." Pa. R.C.P. 1006(d)(1).

In *Tranter, et al. v. Z&D Tour, et al.*, Nos. 18 EAP 2024 to 32 EAP 2024 (Pa. 2025), a motorcoach bus carrying approximately five dozen passengers was involved in a deadly multi-vehicle collision in Westmoreland County, in western Pennsylvania. Plaintiffs, passengers on the coach bus, filed suit in Philadelphia County, in eastern Pennsylvania, for damages sustained from the accident. After conducting limited discovery on the issues of venue and *forum non conveniens*, defendants filed a motion to transfer venue to Westmoreland County, citing the overwhelming number of witnesses and evidence located in that area. The trial court balanced the plaintiffs' interest in their chosen forum against the hardships asserted by defense witnesses. Considering the totality of the circumstances, and affidavits detailing the burdens of traveling across the state to testify, the trial court granted defendants' motions to transfer venue.

The Superior Court reversed. Drawing on its own precedent, the Superior Court held that the trial court erred in granting the motions because the defendants had not shown that the proposed testimony would be "critical" to their defense. While the defendants established that the witnesses could offer relevant testimony, the defendants neither demonstrated—nor did the trial court explain—why that testimony was essential. Accordingly, the Superior Court concluded that the defendants had not met their burden to overcome the plaintiffs' choice of forum, as there was no indication the witnesses were truly "key" to the defense.

The Pennsylvania Supreme Court granted *allocatur* to determine whether the Superior Court had misapplied the doctrine of *forum non conveniens*. On appeal, defendants argued that the Superior Court erred by elevating its own precedent over controlling Supreme Court authority, that its "key witness" requirement imposed an unreasonable and impractical burden, and that trial courts retain broad discretion in deciding transfer motions. Plaintiffs countered that significant deference is owed to a plaintiff's choice of forum, that modern technology reduces the weight of witness-convenience arguments, and that defendants' affidavits were deficient on multiple fronts.

The Supreme Court reversed, finding that its decisions in *Cheeseman* and *Bratic* controlled these issues.[1] Addressing first the plaintiffs' argument that their choice of venue is entitled to deference, the Supreme Court emphasized that such preference is "not unassailable."[2] Instead, a defendant may overcome it by showing "with detailed information on the record, that the plaintiff's chosen forum is oppressive or vexatious to the defendant."[3] In practical terms, transfer is warranted where the plaintiff's chosen forum is intended to burden or harass the defendant, or where the defendant demonstrates that another county would provide substantially easier access to witnesses or other sources of evidence.

Once the record is developed, the decision whether to grant a transfer lies within the trial court's discretion. In *Bratic*, the Supreme Court underscored the "considerable discretion" afforded to trial courts in ruling on such motions. The Supreme Court reiterated that so long as a trial court does not rely on impermissible considerations—such as its own docket congestion or isolated factors like a witness's residence or travel distance—its decision should not be disturbed on appeal.

The Supreme Court also explained that distance alone is not determinative: a venue is not automatically oppressive simply because witnesses must travel more than one hundred miles, nor is a shorter distance irrelevant. Nonetheless, as a general rule, the Supreme Court reaffirmed that one hundred miles serves as a reasonable guidepost in evaluating whether a chosen forum is oppressive.[4]

The Supreme Court next rejected the plaintiffs' argument—and the Superior Court's conclusion—that the affidavits were insufficient, noting that *Bratic* reached the opposite result. It reiterated that a defendant petitioning for transfer of venue must place the grounds on the record, "but no 'particular form of proof' is required."[5] In fact, "there is no 'affidavit requirement' at all."[6] Thus, the Superior Court's criticism of the defendants' affidavits was an error because the defendants had established on the record the potential hardship, and that hardship need not be outlined in an affidavit.

Addressing the Superior Court's use of a "key witness" requirement, the Supreme Court characterized it as a stark departure from *Cheeseman* and *Bratic*. The Supreme Court emphasized that those precedents control and clarified that, although a petitioner must identify burdened witnesses and provide a general description of their anticipated testimony, exacting detail is not required. Nor must petitioners characterize such testimony as "necessary," "critical," or uniquely beneficial to their defense.[7]

Finally, the Supreme Court considered plaintiffs' argument that distance poses no real burden in light of modern technology allowing remote testimony. The Supreme Court rejected this position, explaining that while virtual testimony may be useful when in-person proceedings are not feasible, it is not an adequate substitute in the ordinary course. To adopt such a rule, the Supreme Court cautioned, would effectively render the doctrine of *forum non conveniens* meaningless.

The Supreme Court's ruling in *Tranter* is significant because it clarifies the standard for intrastate venue transfers. The Court confirmed that while a plaintiff's forum choice carries weight, it may be overcome where the record shows that litigating elsewhere would ease witness or evidentiary burdens, without requiring defendants to prove that such witnesses are "key" or "critical."

If you have questions about the *Tranter* decision, or its implications for your business, please contact Joseph V. Schaeffer at 412-394-5499 or **jschaeffer@babstcalland.com** or Ryan M. McCann at 412-773-8710 or **rmccann@babstcalland.com**.

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[1] *See generally Bratic v. Rubendall*, 626 Pa. 550 (Pa. 2014); *Cheeseman v. Lethal Exterminator, Inc.*, 549 Pa. 200 (Pa. 1997)

[2] *Tranter*, slip op. at 23.

[3] *Id*. at 27 citing *Cheeseman*, 701 A.2d at 162

[4] *Tranter,* slip op at 32.

[5] *Id.* citing *Bratic*, 99 A.3d at 9.

[6] *Id.*

[7] *Tranter*, slip op at 37.