

[J-21-2011]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

GOVERNMENT EMPLOYEES	:	No. 26 WAP 2010
INSURANCE COMPANY,	:	
	:	
Appellee	:	Appeal from the Order of the Superior
	:	Court entered on August 18, 2008 at No.
	:	839 WDA 2007, reversing the Order of the
v.	:	Court of Common Pleas of Allegheny
	:	County entered on April 16, 2007 at No.
	:	GD-05-29620, and remanding.
JESSE AYERS,	:	
	:	
Appellant	:	ARGUED: April 12, 2011

OPINION IN SUPPORT OF AFFIRMANCE

MR. JUSTICE SAYLOR

DECIDED: April 28, 2011

I would disapprove the utilization by an insurer of separate policies pertaining to multiple vehicles within the same household solely to subvert intra-policy stacking without any risk-based justification. Nevertheless, I am persuaded by the reasoning of the United States Court of Appeals for the Third Circuit, the rationale of the Superior Court, and the suggestion by a plurality of this Court that the writing of separate policies, and enforcement of the household exclusion, is justified relative to motorcycle insurance coverage. See Nationwide Mut. Ins. Co. v. Roth, 252 Fed. Appx. 505, 2007 WL 3226188, at *2-3 (3d Cir. 2007); Alderson v. Nationwide Mut. Ins. Co., 884 A.2d 288, 290 (Pa. Super. 2005); Erie Ins. Exch. v. Baker, 972 A.2d 507, 512 n.9 (Pa. 2008) (plurality).