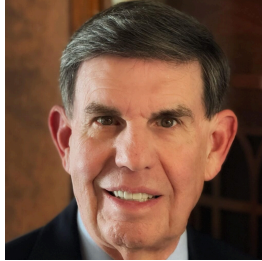


Chilutti v. Uber: The Saga Continues?



If justice delayed is justice denied, the unfortunate Chiluttis will continue to be deprived of justice for the serious injuries that Shannon Chilutti sustained in March of 2019. Almost seven years after the accident, we have a decision from the Pennsylvania Supreme Court — but we still do not have a resolution of the plaintiffs' claim.

Keith Chilutti accompanied his wife Shannon, who is confined to a wheelchair, to a medical appointment. After the appointment, he used his Uber app to request a wheelchair accessible vehicle (WAV) to go home. When the Uber driver placed Shannon in the rear of the WAV, he secured her chair with retractable hooks. Shannon asked for a seatbelt, but the driver did not provide one. During an aggressive turn, Shannon fell out of the wheelchair, hitting her head and causing her to lose consciousness.

Plaintiffs initiated litigation, but Uber filed a petition to compel arbitration, based on a mandatory arbitration clause the Chiluttis "agreed to" when they enrolled with Uber. The trial court granted the petition and stayed court proceedings pending the arbitration.

Plaintiffs appealed, taking the position that this was an immediately appealable collateral order under Pa.R.A.P. 313, and that the alleged agreement to arbitrate was insufficient to waive their constitutional right to a jury trial.

On July 19, 2023, a divided en banc panel of the Superior Court reversed and remanded, holding that this was an appealable order, giving it jurisdiction to decide the appeal on the merits. Pennsylvania Rule of Appellate Procedure 313 allows parties to appeal as of right from interlocutory collateral orders where (1) the order is separable from and collateral to the main cause of action; (2) the right involved is too important to be denied review; and (3) the question presented is such that if review is postponed until after the final judgment, the claim will be irreparably lost. [READ MORE..](#)

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