

# Supreme Court of PA Hands Down Major Decision Recognizing Right of Injured Parties to Recover from Negligent Contractors

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[/EINPresswire.com/](https://EINPresswire.com/) -- A significant decision was handed down by the Supreme Court of Pennsylvania this week regarding the liability of contractors who create dangerous conditions on someone else's property but are no longer actively working on the property, and subsequently a third party is injured as a result of the condition. The Court held that contractors may be held liable in such situations regardless of whether the condition is a latent or patent condition. Chief Justice Debra Todd, writing for the majority of the Court, wrote that "we reject the contention that a contractor's liability to third persons is limited to only those situations in which he has created a dangerous condition that is not readily apparent or obvious."

The decision was issued in *David Brown, Individually and as Executor of the Estate of Kathryn A. Brown, Deceased v. City of Oil City v. Fred L. Burns, Inc. v. Scott Amsdell, Individually and Macon, Inc., and Harold Best, Individually, and Struxures, LLC*. In the case, Brown alleged that the Contractors negligently designed and constructed the steps at the Oil City Library in Venango County causing his late wife to fall, strike her head, and die in the days that followed as a result of a traumatic brain injury. Brown further alleged that Oil City and the Contractors had notice of the defective condition years before his wife was injured and that they took no action to correct the defective condition of the steps.

The trial court Judge had found that the Contractors were immune from liability as a matter of law because they were no longer in possession of the steps and Oil City was aware of the defective condition. Brown appealed to the Commonwealth Court, which overturned the trial court Judge and found that the Contractors could be held liable. The Supreme Court agreed with



Jamie Bordas, Managing Partner of Bordas & Bordas of Pittsburgh, who argued the case before the Supreme Court

the Commonwealth Court, finding that it would be inconsistent with legal principles to find that the Contractors who had performed negligent work that created a dangerous condition could escape liability simply because the owner of the land had been made aware of the defective condition.

Jamie Bordas, managing partner of [Bordas & Bordas](#) in Pittsburgh, argued the case for Brown before the Supreme Court. He noted that he was pleased with the Court's decision, stating "The Court's opinion is thorough and sound. It recognizes the importance of individuals who are harmed by shoddy workmanship of contractors being able to recover from those contractors and that homeowners or other landowners should not bear the full responsibility for [negligent workmanship](#) on their property that causes harm to others." The Pennsylvania Association for Justice submitted an Amicus Curiae brief in support of Brown's position. The Philadelphia Association of Defense Counsel had submitted an Amicus Curiae brief in support of the Contractors.

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We are pleased that we were able to obtain this result and also have a new point of law decided by Pennsylvania's highest Court that will benefit injured individuals throughout the Commonwealth.”

*Jamie Bordas, Managing Partner*

Bordas noted, “We appreciate the support of PAJ in this case. Our firm's motto ‘Fighting for Justice’ goes hand in hand with the organization's mission. We are pleased that we were able to obtain this result for our client and also have a new point of law decided by Pennsylvania's highest Court that will benefit [injured individuals](#) throughout the Commonwealth.” The Case will be remanded to the trial court in Venango County for further proceedings.

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About Bordas & Bordas



Bordas & Bordas Attorneys, PLLC

Bordas & Bordas is a plaintiff's litigation law firm with offices in Pittsburgh, Wheeling, W.Va., St. Clairsville, Ohio, and Moundsville, W.Va. The firm's attorneys practice throughout the region in diverse areas of law and are licensed in Pennsylvania, West Virginia, Ohio, and Texas.

Case #: [J-66-2022] IN THE SUPREME COURT OF PENNSYLVANIA WESTERN DISTRICT

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