

Pennsylvania Supreme Court Ruling Expands Potential Contractor Liability

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A recent decision of the Pennsylvania Supreme Court has potentially expanded a contractor's liability to third parties for defective work. In the case [Brown v. City of Oil City, J-66-2022](#), a woman died after tripping on a deteriorated section of steps at a public library. Despite the city having full knowledge of the defect, which also owned and operated the library, the court nevertheless held that the contractors involved in the defective work could be held liable, even though the work had been completed and turned over to the city. Prior to the Court's opinion, a contractor could be liable in such a circumstance *only if* the dangerous nature of the defect was not known, i.e., it was a latent defect or unlikely to be discovered.

The key distinction in this case, however, was the removal of this "foreseeability" element and holding that a contractor could be liable to an injured third-party even if the owner of the property knew of the defect. Although the court ruled on this legal doctrine, it did not address the underlying liability of the contractors in the case, and the Court noted that its decision wouldn't prevent a contractor from raising available legal defenses in such circumstances. One key fact in the case was that the city's total liability as a government entity was capped under law at \$500,000, so the need to find third-party liability may have been a consideration in deciding the case.

The full impacts of this case may not be known for years, but it is important for contractors to be aware of in analyzing their contracts, including with the owner and any subcontractors. If you have any questions pertaining to this PA Supreme Court ruling or concerns about any contract agreements, please reach out to [Christopher Naylor](#) or any member of the [Barley Snyder Construction Industry Group](#).

WRITTEN BY:



Christopher A. Naylor

Partner

Tel: (717) 852-4997

Email: cnaylor@barley.com