

Pennsylvania



Joe Fowler & Matthew Vodzak Litigated Successful Appeal in Delaware Supreme Court



Joe Fowler



Matthew Vodzak

Joe Fowler and Matthew Vodzak recently won an appeal in the Delaware Supreme Court. FHMS represented a construction subcontractor sued when a single-car accident occurred in a roadwork zone. The teenage driver was seriously injured, and her passenger died in the accident. After discovery but before expert reports were exchanged, FHMS entered into a settlement with plaintiffs. The general contractor for the construction project then sought indemnity under its contract with FHMS's client.

FHMS successfully moved for summary judgment in the Delaware Superior Court on the general contractor's crossclaim for contractual indemnity. The general contractor then settled with plaintiffs, and sought to vacate summary judgment in favor of FHMS's client. When the Superior Court refused, the general contractor appealed to the Delaware Supreme Court. The Delaware Supreme Court dismissed the general contractor's appeal on justiciability grounds, leaving in place summary judgment for FHMS's client.