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Township of Neshannock v. Kirila Contractors, Inc.

Commonwealth Court of Pennsylvania - March 5, 2018 - A.3d - 2018 WL 1144897

In breach of contract dispute between township and contractor, the Court of Common Pleas denied in part township's motion in limine to exclude privileged documents. Parties appealed.

The Commonwealth Court held that:

- Commonwealth Court could not, by stipulation, consider on appeal deposition transcript excerpts and exhibits that were not part of certified record, and
- Township waived its attorney-client privilege and attorney work product claims.

Township waived its attorney-client privilege and attorney work product claims to allegedly privileged documents when it acceded in master delivering documents to contractor involved in action with township for breach of contract; township was aware that master intended to deliver documents to contractor but township voiced no opposition to disclosure and acquiesced in disclosure, and township did not appeal master's decision.