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CONSTRUCTION CONTRACTS - PENNSYLVANIA

Clearfield County v. Transystems Corporation

Supreme Court of Pennsylvania - April 30, 2026 - A.3d - 2026 WL 1171022

County brought action against architectural and engineering firm, as successor to firm with which county originally contracted to build jail, and contractors, asserting negligence, fraudulent misrepresentation or nondisclosure, and breach of contract, based on discovery during jail renovation decades after completion of jail's construction that jail's roof was not connected to its masonry walls.

The Court of Common Pleas found doctrine of nullum tempus occurrit regi was not applicable to 12-year statute of repose for actions arising out of alleged defective construction projects and sustained firm and contractors' preliminary objections. County appealed. The Commonwealth Court affirmed. Allowance of appeal was granted for county.

As matter of apparent first impression, the Supreme Court held that nullum tempus cannot toll or avoid the statute of repose for actions arising out of alleged defective construction projects.

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