

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

THE RYLAND GROUP, INC.,	:	
	:	
	:	
Plaintiff,	:	
	:	C.A. No.: 00C-09-056 SCD
v.	:	
	:	
SANTOS CARPENTRY COMPANY,	:	
INC., A&J BUILDERS APCO, FORMED	:	
WALLS FOUNDATIONS BY SCHULTE AND	:	
ROSSI, INC., DAVID T. SCHULTE MASONRY,	:	
INC., HUHNS CARPENTRY, OMNIWAY	:	
SERVICE CO. d/b/a KAPPLER	:	
CONSTRUCTION, SAY SERVICE, INC.,	:	
STATE WIDE PLUMBING, MK	:	
BUILDERS, RABSPAN, INC., and	:	
UNITED HVAC, INC.	:	
	:	
Defendants.	:	

Submitted: February 18, 2004  
Decided: March 26, 2004

**ORDER**

This 26<sup>th</sup> day of March, 2004, upon consideration of Defendant, Kappler Construction Company's ("Kappler"), motion for summary judgment as to all claims against them, and responses thereto, it appears:

- (1) Kappler is a framing contractor that did work on Lots Nos. 54, 57, and 61 at Weldin Ridge.
- (2) In March of 1995, Ryland executed a subcontractor agreement with Kappler.
- (3) All the work performed by Kappler was completed by May 19, 1995.

(4) On January 16, 1997, Ryland notified Kappler about construction-related problems involving the homes.

(5) Ryland's claims against Kappler are for negligence, breach of contract, breach of express and implied warranties, breach of implied covenant of good faith, contribution and indemnification. The claims are based on the factual allegations that various structural problems existed during construction.

(6) All claims asserted by Ryland are subject to a three-year statute of limitations.<sup>1</sup>

(7) The time of discovery rule has no application to the facts of this claim.<sup>2</sup>

(8) There is no liability which could give rise to a claim for either indemnification or contribution.

Wherefore, Kappler's motion for summary judgment as to all claims, in contract and in tort, is GRANTED.

IT IS SO ORDERED.

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Judge Susan C. Del Pesco

Original to Prothonotary  
xc: Counsel of Record

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<sup>1</sup> DEL. CODE ANN. tit. 10, §8106 (2002).

<sup>2</sup> *The Ryland Group, Inc. v. Santos Carpentry Co., et al.*, Del. Super., C.A. No. 00C-09-056, Del Pesco, J. (Mar. 26, 2004) (Op.).