

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: March 8, 2004
Decided: March 26, 2004

O R D E R

This 26th Day of March, 2004, upon consideration of Defendant, Statewide Plumbing, Inc.'s ("Statewide"), motion for summary judgment as to all claims against them, and responses thereto, it appears:

- (1) Statewide is a plumbing contractor that did work on some of the houses at Weldin Ridge.
- (2) All the work performed by Statewide was completed during calendar year 1995.
- (3) On March 19, 1997, Ryland acknowledged in writing that it was aware of Statewide's refusal to make repairs.

(4) Ryland's claims against Statewide are for negligence, breach of contract, breach of express and implied warranties, breach of implied covenant of good faith. The claims are based on the factual allegations that during the construction process it cut, notched and moved trusses, boards and strongbacks.

(5) All claims asserted by Ryland are subject to a three-year statute of limitations.¹

(6) The time of discovery rule has no application to the facts of this claim.²

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

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

IT IS SO ORDERED.

Judge Susan C. Del Pesco

Original to Prothonotary
xc: Counsel of Record

¹ DEL. CODE ANN. tit. 10, §8106 (2002).

² *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.).