

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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April 22, 2011

MEMO TO COUNSEL RE: NVR, Inc. v. Valley National Gases WV, LLC, et al.
Civil No. JFM-09-988

Dear Counsel:

I have reviewed the memoranda submitted in connection with TiteFlex Corporation's motion for summary judgment.

TiteFlex's motion is granted. The record makes clear that plaintiff was fully cognizant of the alleged defects that allegedly caused the fire prior to completion of construction of the residence in question. By that time, TiteFlex had provided instructions to bond and ground the CSST system. Assuming that TiteFlex should have earlier issued warnings about the need to bond and ground buildings in which the CSST system was installed, that fact is immaterial. Plaintiff was on notice of the alleged defect and what to do to cure it, and it simply failed to do so.

A scheduling conference will be held on May 6, 2011 at 9:00 am. to set a schedule for the litigation of the claims against the remaining defendants. I ask counsel for plaintiff to make the arrangements for the call.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge