

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

LIBERTY INTEGRATED SOLUTIONS, INC.

v.

CORE STATES CONSTRUCTION
SERVICES, INC., AND JACK WILLS, INC.

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: JACK WILLS, INC.

No. 908 EDA 2012

Appeal from the Order Entered March 5, 2012
In the Court of Common Pleas of Philadelphia County
Civil Division at No(s): October Term, 2011 No. 3685

BEFORE: GANTMAN, J., ALLEN, J., and OTT, J.

JUDGMENT ORDER BY GANTMAN, J.:

Filed: March 12, 2013

Appellant, Jack Wills, Inc., appeals from the order entered in the Philadelphia County Court of Common Pleas, which overruled Appellant's preliminary objections in the nature of a motion to compel arbitration on the cross-claims of Core States Construction Services, Inc. ("Core States") and denied Appellant's request for a stay of the underlying breach of contract case pending arbitration. We vacate and remand.

Liberty Integrated Solutions, Inc. ("Liberty") was the subcontractor for electrical work on a construction project on Appellant's property, and Core States is the general contractor for the project. Liberty sued both Core States and Appellant for nonpayment on work performed on the project. Core States filed cross-claims against Appellant; Appellant filed preliminary objections in the nature of a motion to compel arbitration on the cross-

claims, pursuant to the dispute-resolution provision in the Core States–Wills contract. Appellant also asked for a stay of the underlying breach of contract case pending arbitration. Core States opposed Appellant’s requests because Liberty was not a party to the Core States–Wills contract. The court overruled Appellant’s preliminary objections and denied the request for a stay. Appellant filed a notice of interlocutory appeal as of right, per Pa.R.A.P. 311(a)(8); 42 Pa.C.S.A. § 7320(a)(1)).

On March 6, 2013, Liberty filed a motion with this Court to withdraw its appellate brief, stating it has settled its claims against both Appellant and Core States. Liberty believes Core States’ cross-claims against Appellant in the underlying action have not settled, and Appellant intends to pursue the appeal. Given Liberty’s settlement, we grant Liberty’s motion to withdraw its brief. Because the cross-claims between Core States and Appellant are likely subject to the arbitration provision in their contract, we further vacate the court’s order refusing to compel arbitration and remand the matter for resolution of the cross-claims between Core States and Appellant.

Order vacated; case remanded. Jurisdiction is relinquished.