

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

BRICKLAYERS OF WESTERN : No. 59 WAL 2012
PENNSYLVANIA COMBINED FUNDS, :
INC., :
Respondent : Petition for Allowance of Appeal from the
Order of the Superior Court

v.

SCOTT'S DEVELOPMENT COMPANY, :
Petitioner :

LABORERS' COMBINED FUNDS OF : No. 60 WAL 2012
WESTERN PENNSYLVANIA, AS :
AGENT FOR PHILLIP AMERIS AND :
ALBERT W. BETLER, TRUSTEES AD : Petition for Allowance of Appeal from the
LITEM, LABORERS' DISTRICT : Order of the Superior Court
COUNCIL OF WESTERN :
PENNSYLVANIA WELFARE AND :
PENSION FUNDS, THE :
CONSTRUCTION INDUSTRY :
ADVANCEMENT PROGRAM OF :
WESTERN PA FUND, AND THE :
LABORERS' DISTRICT COUNCIL OF :
PENNSYLVANIA AND ITS AFFILIATED :
LOCAL UNIONS, :
Respondents :

v.

SCOTT'S DEVELOPMENT COMPANY, :
Petitioner :

ORDER

PER CURIAM

AND NOW, this 28th day of November 2012, the Petition for Allowance of Appeal is **GRANTED LIMITED TO** the issues set forth below. The issues, as stated by

petitioner are:

- (1) Whether the Superior Court erred in concluding the Mechanics' Lien Law should be liberally construed?
- (2) Whether the Superior Court erred in *sua sponte* finding that purported contracts implied in fact control the parties' rights under the Mechanics' Lien Law, not the express contract which fails 49 P.S. [§] 1201 (5)?
- (3) Whether even liberal construction of the Mechanics' Lien Law would permit an employee of a contractor to assert a claim as a "subcontractor"?