



## LUCAS AND CAVALIER, LLC

### LUCAS & CAVALIER PREVAILS FOR DEFENSE IN PHILADELPHIA COUNTY BENCH TRIAL

February 2020

[Sean L. Phelan](#)

*Lucas and Cavalier, LLC*

In a recent bench trial involving complex claims for breach of contract and construction defects against our renovation contractor client, the attorneys at Lucas & Cavalier prevailed, obtaining a directed verdict in favor of the defense in a case venued in the Philadelphia County Court of Common Pleas. The plaintiff alleged a number of construction defects, as well as unfinished areas of his home in relation to a full-scale remodeling job for which our client was contracted to render performance over the course of two-years. Plaintiff's last demand before trial was \$180,000.00 - citing his expert report supported claims that our client breached the provisions of both the original contract and revised contract entered into between the parties.



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Through the use of strategic pleadings and aggressive discovery, the parties arrived at trial after the case had already been dismissed once by the presiding judge for numerous discovery violations on the part of plaintiff. In fact, the defense managed to obtain numerous favorable rulings on their discovery motions, such that *plaintiff* owed our client in excess of \$2,500.00 - which monies would have been deducted from any award at trial in the plaintiff's favor. We also managed to secure the prompt dismissal of plaintiff's claims for fraud, breach of warranty, and violations of the Home Consumer Protection Act ("HICPA"), as well as plaintiff's claims for "piercing the corporate veil" through the use of preliminary objections. The defense further set forth counterclaims against plaintiff asserting breach of contract and defamation per se - the latter counterclaim of which was supported by the fact plaintiff posted false allegations of criminal conduct against our client on social media and elsewhere - so as to gain leverage on behalf of our client.

After making the difficult decision, and convincing opposing counsel, to agree to a bench trial instead of presenting the case to a Philadelphia jury, the parties gave opening arguments and plaintiff proceeded to put on evidence in support of his putative claims. Shortly into the cross-examination of plaintiff, in which issues addressed in our