

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

GAMESA ENERGY USA, LLC AND
GAMESA TECHNOLOGY
CORPORATION INC.,

Petitioners

v.

TEN PENN CENTER ASSOCIATES, L.P.
AND SAP V TEN PENN CENTER NF G.P.
L.L.C.,

Respondents

GAMESA ENERGY USA, LLC AND
GAMESA TECHNOLOGY
CORPORATION INC.,

Respondents

v.

TEN PENN CENTER ASSOCIATES, L.P.
AND SAP V TEN PENN CENTER NF G.P.
L.L.C.,

Petitioners

: No. 139 EAL 2018
:
: Petition for Allowance of Appeal from
: the Order of the Superior Court

: No. 152 EAL 2018
:
: Cross Petition for Allowance of
: Appeal from the Order of the Superior
: Court

ORDER

PER CURIAM

AND NOW, this 20th day of August, 2018, the Petition for Allowance of Appeal at 139 EAL 2018 is **GRANTED**. The issues, as stated by petitioners, are:

1. May a litigant simultaneously pursue inconsistent, alternative remedies in a civil action in Pennsylvania prior to the entry of final judgment?
2. When one party to a contract breaches, should the non-breaching party be permitted to continue performance, if reasonable under the circumstances, and to maintain, in the alternative, causes of action for termination of the agreement if material, or if not material, for damages from the breach?

The Cross Petition for Allowance of Appeal at 152 EAL 2018 is **DENIED**.