

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

TIMOTHY R. WELCH AND CYNTHIA L. WELCH : IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

TOLL BROTHERS, INC., TOLL PA, :  
L.P., TOLL PA GP CORP., AND TOLL : No. 1242 EDA 2023  
BROS., INC., TOLL ARCHITECTURE, :  
INC., TOLL ARCHITECTURE I, PA, :  
THOMAS E. MANION T/A MANION :  
CONTRACTORS AND/OR THOMAS E. :  
MANION, EXTERIOR WALLS, INC., :  
MACK DONOHUE CONTRACTORS, :  
INC., ROBERT BURNS, RSB :  
CONSTRUCTION CO., AND IZZY :  
CONSTRUCTION, INC. :

APPEAL OF: TOLL BROTHERS, INC., :  
TOLL PA, L.P., TOLL PA GP CORP., :  
AND TOLL BROS., INC. :

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 161100904

MICHAEL A. ZISKIND AND INGRID C. ZISKIND : IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

TOLL BROTHERS, INC., TOLL PA, :  
L.P., TOLL PA GP CORP., AND TOLL : No. 1243 EDA 2023  
BROS., INC., TOLL ARCHITECTURE, :  
INC., TOLL ARCHITECTURE I, P.A., :  
ANDERSEN WINDOWS, INC., :  
THOMAS E. MANION, EXTERIOR :  
WALLS, INC., ROBERT BURNS D/B/A :  
RSB CONSTRUCTION CO., MACK :

DONOHUE CONTRACTORS, INC., :  
AND IZZY CONSTRUCTION, INC. :  
:

APPEAL OF: TOLL BROTHERS, INC., :  
TOLL PA, L.P., TOLL PA GP CORP., :  
AND TOLL BROS., INC. :

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 161101721

STACY BUCKLAW AND DIANE : IN THE SUPERIOR COURT OF  
BUCKLAW, ANGELA MARCIANO, : PENNSYLVANIA  
HASSAN K. PAIGE, DANA N. PAIGE, :  
RAJESHA PARNERKAR, SHILPA :  
PARNERKAR, IGOR ZAVALNY, :  
TAMARA ZAVALNY, CHRISTOPHER :  
DAUGHERTY, DOROTHEA D. :  
DAUGHERTY, BOBBY K. JACOB, JULY :  
B. JACOB, BENJAMIN R. LACSON, : No. 1244 EDA 2023  
EVELYN P. LASCON, KEVIN :  
MARCIANO :  
:

v. :

TOLL BROTHERS, INC., TOLL PA, :  
L.P., TOLL PA GP CORP., AND TOLL :  
BROS., INC., TOLL PA, II LP, TOLL :  
PA, VI LP, TOLL ARCHITECTURE, :  
INC., TOLL ARCHITECTURE I, P.A. :  
ANDERSEN WINDOWS, INC., :  
EXTERIOR WALLS, INC., MACK :  
DONOHUE CONTRACTORS, ABEL :  
GARCIA :  
:

APPEAL OF: TOLL BROTHERS, INC., :  
TOLL PA, L.P., TOLL PA GP CORP., :  
AND TOLL BROS., INC. :

Appeal from the Order Entered April 20, 2023

In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170600001

DANIEL G. PORTER AND CAROLYN J. : IN THE SUPERIOR COURT OF  
PORTER : PENNSYLVANIA

**V.**

TOLL ARCHITECTURE, INC.,	:	
ANDERSEN WINDOWS, INC., TOLL	:	No. 1245 EDA 2023
BROTHERS, INC., TOLL PA GP,	:	
CORP., TOLL PA, II, LP, TOLL	:	
BROTHERS, INC., TOLL	:	
ARCHITECTURE I, P.A., DOMINIC C.	:	
DEFRANGESCO, MACK DONOHUE	:	
CONTRACTORS, INC.	:	

APPEAL OF: TOLL BROTHERS, INC.,  
TOLL PA, L.P., TOLL PA GP CORP.,  
AND TOLL BROS., INC.

Appeal from the Order Entered April 20, 2023

In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901002

THOMAS DEANGELO AND CAGLAYAN : IN THE SUPERIOR COURT OF  
DEANGELO : PENNSYLVANIA

**V.**

TOLL BROTHERS, INC., TOLL PA, :  
L.P., TOLL PA GP CORP., AND TOLL : No. 1246 EDA 2023  
BROS., INC., TOLL ARCHITECTURE, :  
INC., TOLL ARCHITECTURE I, P.A., :  
ANDERSEN WINDOWS, INC., MS :  
BUILDERS, INC., MACK DONOHOE :  
CONTRACTORS, INC., M.A. CARDY :  
CONSTRUCTION, INC., DOMINIC :  
DEFRANGESCO :

APPEAL OF: TOLL BROTHERS, INC.,  
TOLL PA, L.P., TOLL PA GP CORP.,  
AND TOLL BROS., INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901003

JAMES COY AND DENISE COY : IN THE SUPERIOR COURT OF  
 : PENNSYLVANIA  
 :  
 v. :  
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TOLL BROTHERS, INC., TOLL PA,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	
BROS., INC., TOLL ARCHITECTURE,	:	No. 1247 EDA 2023
INC., TOLL ARCHITECTURE, I, PA,	:	
ANDERSEN WINDOWS, INC.,	:	
THOMAS E. MANION T/A MANION	:	
CONTRACTORS AND/OR THOMAS E.	:	
MANION, RSB CONSTRUCTION CO.,	:	
MICHAEL ANTOLINO	:	
CONSTRUCTION, INC., EXTERIOR	:	
OPTIONS, INC., D/B/A EXTERIOR	:	
WALLS, INC., MACK DONOHUE	:	
CONTRACTORS, INC., FRANK	:	
BADOLATO, AQUARIUS SIDING	:	

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901196

BRETT ADAMS AND TAMARA ADAMS, : IN THE SUPERIOR COURT OF  
JILL O'DONNELL, JASON : PENNSYLVANIA  
TEPFENHARDT, JESSICA :  
TEPFENHARDT, JAMES WIEGERS, :  
ANN MARIE WIEGERS, BRIAN :  
BENTRIM, JEFF CAMPAGNA, :  
ELIZABETH, CAMPAGNA, CATHERINE :  
BENTRIM, MATTHEW O'DONNELL :  
: No. 1248 EDA 2023

**V.**

TOLL BROTHERS, INC., TOLL PA,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC., ANDERSEN WINDOWS,  
INC., TOLL ARCHITECTURE, INC.,  
TOLL ARCHITECTURE, I, P.A.,  
THOMAS E. MANION T/A MANION  
CONTRACTORS AND/OR THOMAS E.  
MANION, RSB CONSTRUCTION CO.,  
MICHAEL ANTOLINO  
CONSTRUCTION, INC., MACK  
DONOHUE CONTRACTORS, INC.,  
EXTERIOR OPTIONS, INC., D/B/A  
EXTERIOR WALLS, INC., PETR JACH  
T/A BRICK FRONTS, L.L.C., ELK  
CONSTRUCTION

APPEAL OF: TOLL BROTHERS, INC.,  
TOLL PA, L.P., TOLL PA GP CORP.,  
AND TOLL BROS., INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170101225

MANOJ PRASAD AND CHETANA  
PRASAD

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

**V.**

TOLL BROTHERS, INC., TOLL PA,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC., TOLL ARCHITECTURE,  
INC., TOLL ARCHITECTURE, I, P.A.,  
ANDERSEN WINDOWS, INC., MACK  
DONOHOE CONTRACTORS, INC.,  
M.A. CARDY CONSTRUCTION, INC.,  
DOMINIC DEFRANGESCO

No. 1249 EDA 2023

APPEAL OF: TOLL BROTHERS, INC., :  
TOLL PA, L.P., TOLL PA GP CORP., :  
AND TOLL BROS., INC. :

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901803

ROBERT T. ROSS AND DAWN D. : IN THE SUPERIOR COURT OF  
ROSS : PENNSYLVANIA

v. :

TOLL BROTHERS, INC., TOLL PA, :  
L.P., TOLL PA GP CORP., AND TOLL : No. 1250 EDA 2023  
BROS., INC., TOLL ARCHITECTURE, :  
INC., TOLL ARCHITECTURE I, P.A., :  
ANDERSEN WINDOWS, INC., MACK :  
DONOHOE CONTRACTORS, INC., :  
AND NEW MILLENNIUM :  
CONTRACTORS :

APPEAL OF: TOLL BROTHERS, INC., :  
TOLL PA, L.P., TOLL PA GP CORP., :  
AND TOLL BROS., INC. :

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901815

JULIAN CASTANEDA AND BRENN : IN THE SUPERIOR COURT OF  
CASTANEDA : PENNSYLVANIA

v. :

TOLL BROTHERS, INC., TOLL PA, :  
L.P., TOLL PA GP CORP., AND TOLL : No. 1251 EDA 2023  
BROS., INC., TOLL ARCHITECTURE, :  
INC., TOLL ARCHITECTURE I PA, :  
MACK DONOHOE CONTRACTORS, :

INC., ABEL GARCIA, EXTERIOR  
OPTIONS, INC., D/B/A EXTERIOR  
WALLS, INC.

APPEAL OF: TOLL BROTHERS, INC.,  
TOLL PA, L.P., TOLL PA GP CORP.,  
AND TOLL BROS., INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003533

JOSHUA M. OWENS AND ALLISON R.  
OWENS

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

No. 1348 EDA 2023

Appellants

v.

MACK-DONOHUE CONTRACTORS,  
INC., NEW MILLENNIUM  
CONTRACTING CORP. A/K/A NEW  
MILLENNIUM, ANDERSEN WINDOWS,  
INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901823

MICHAEL MILEY AND JENNIFER  
MILEY

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.	:	
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TOLL BROTHERS, INC., TOLL PA II,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	No. 1349 EDA 2023
BROS., INC.	:	
	:	
Appellant	:	

v.	:	
	:	
	:	
MACK DONOHOE CONTRACTORS,	:	
INC., NEW MILLENIUM	:	
CONTRACTING CORP. A/K/A NEW	:	
MILLENIUM, ANDERSEN WINDOWS,	:	
INC.	:	
	:	
Appeal from the Order Entered April 20, 2023		
In the Court of Common Pleas of Philadelphia County Civil Division at		
No(s): 170901824		

JOSEPH A. SAMARCO AND LORI	:	IN THE SUPERIOR COURT OF
LYNN SAMARCO	:	PENNSYLVANIA

v.	:	
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TOLL BROTHERS, INC., TOLL PA II,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	No. 1350 EDA 2023
BROS., INC.	:	
	:	
Appellant	:	

v.



M.A. CARDY CONSTRUCTION, INC., :  
MACK DONOHOE CONTRACTORS, :  
INC., ANDERSEN WINDOWS, INC. :

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901903

TODD ELLIOTT AND JUDITH ELLIOTT : IN THE SUPERIOR COURT OF  
: PENNSYLVANIA  
:

v. :

TOLL BROTHERS, INC., TOLL PA II, :  
L.P., TOLL PA GP CORP., AND TOLL :  
BROS., INC. :

No. 1351 EDA 2023

Appellants :

v. :

M.A. CARDY CONSTRUCTION, INC., :  
MACK DONOHOE CONTRACTORS, :  
INC., ANDERSEN WINDOWS, INC. :

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170901907

ROBERT KASPROW AND LAURA : IN THE SUPERIOR COURT OF  
KASPROW : PENNSYLVANIA  
:

v. :

TOLL BROTHERS, INC., TOLL PA II, :  
L.P., TOLL PA GP CORP., AND TOLL :  
BROS., INC. :

No. 1352 EDA 2023

## Appellants

**V.**

ANDERSEN WINDOWS, INC.,  
MICHAEL ANTOLINO  
CONSTRUCTION, INC., RSB  
CONSTRUCTION CO., EXTERIOR  
WALLS, INC., MACK DONOHOE  
CONTRACTORS, INC., THOMAS E.  
MANION T/A MANION  
CONTRACTORS AND/OR THOMAS E.  
MANION, PETR JACH, ELK  
CONSTRUCTION

Appeal from the Order Entered April 20, 2023

In the Court of Common Pleas of Philadelphia County Civil Division at

No(s): 170902048

JAMES COOKE AND TRACY COOKE

**V.**

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

## Appellants

**V.**

ANDERSEN WINDOWS, INC.,  
CONNOLLY STUCCO AND  
PLASTERING, NEW MILLENNIUM

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1353 EDA 2023

CONTRACTORS, MACK DONOHOE :  
CONTRACTORS, INC., MD SOUTH

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170903045

KEVIN MARCIANO AND ANGELA : IN THE SUPERIOR COURT OF  
MARCIANO : PENNSYLVANIA

v.

TOLL BROTHERS, INC., TOLL PA II, :  
L.P., TOLL PA GP CORP., AND TOLL : No. 1354 EDA 2023  
BROS., INC. :

Appellants

v.

MACK DONOHOE CONTRACTORS, :  
INC., NEW MILLENNIUM :  
CONTRACTORS A/K/A NEW :  
MILLENNIUM, ANDERSEN WINDOWS, :  
INC. :

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 170903704

BRIAN G. BENTRIM & CATHERINE S. : IN THE SUPERIOR COURT OF  
BENTRIM : PENNSYLVANIA

v.

No. 1355 EDA 2023

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

Appellants

v.

ANDERSEN WINDOWS, INC.,  
EXTERIOR WALLS, INC., MACK  
DONOHOE CONTRACTORS, INC.,  
MICHAEL ANTOLINO  
CONSTRUCTION, INC., RSB  
CONSTRUCTION CO., THOMAS E.  
MANION T/A MANION  
CONTRACTORS AND/OR THOMAS E.  
MANION, IZZY CONSTRUCTION,  
INC., FRANK BADOLATO

Appeal from the Order Entered April 20, 2023

In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171002359

IGOR ZAVALNY AND TAMARA  
VOLKOVA

v.

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

Appellants

v.

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1356 EDA 2023

M.A. CARDY CONSTRUCTION, INC.,  
MACK DONOHOE CONTRACTORS,  
INC., ANDERSEN WINDOWS, INC.

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Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003433

VENKA REDDY SUNKARA AND  
ANITHA BADVELU

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IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

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TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

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No. 1357 EDA 2023

Appellants

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v.

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MACK DONOHOE CONTRACTORS,  
INC., DOMINIC DEFRANGESCO,  
ANDERSEN WINDOWS, INC.

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Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003549

FURRUKH MUNAWAR AND AAIYSHA  
MUNAWAR

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IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

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No. 1358 EDA 2023

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

Appellants

v.

MACK DONOHUE CONTRACTORS,  
INC., NEW MILLENNIUM  
CONTRACTORING CORP. A/K/A "NEW  
MILLENNIUM, ANDERSEN WINDOWS,  
INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003571

ANDREW TURK

v.

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC., THOMAS E. MANION  
T/A MANION CONTRACTORS AND/OR  
THOMAS E. MANION, ANDERSEN  
WINDOWS, INC., ROBERT BURNS,  
RSB CONSTRUCTION CO., ELK  
CONSTRUCTION, EXTERIOR  
OPTIONS, INC.

APPEAL OF: TOLL BROTHERS, INC.,  
TOLL PA II, L.P., TOLL PA GP CORP.,  
AND TOLL BROS., INC.

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1359 EDA 2023

Appeal from the Order Entered April 20, 2023

In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003572

RICHARD ORLANDO AND KRISTIN ORLANDO	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
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	:	
v.	:	
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TOLL BROTHERS, INC., TOLL PA II, L.P., TOLL PA GP CORP., AND TOLL BROS., INC.	:	No. 1360 EDA 2023
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	:	
v.	:	
	:	
	:	
ANDERSEN WINDOWS, INC., EXTERIOR WALLS, INC., MACK DONOHOE CONTRACTORS, INC., RSB CONSTRUCTION CO., HENRY NUSSER	:	

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003573

RAJESH PARNERKAR AND SHILPA PARNERKAR	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
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	:	
v.	:	
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	:	
TOLL BROTHERS, INC., TOLL PA II, L.P., TOLL PA GP CORP., AND TOLL BROS., INC.	:	No. 1361 EDA 2023
	:	
	:	
Appellants	:	
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**V.**

M.A. CARDY CONSTRUCTION, INC.,  
MACK DONOHOE CONTRACTORS,  
INC., ANDERSEN WINDOWS, INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003574

BENJAMIN LACSON AND EVELYN  
LACSON

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

**V.**

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

No. 1362 EDA 2023

## Appellants

**V.**

ANDERSEN WINDOWS, INC.,  
EXTERIOR WALLS, INC., RSB  
CONSTRUCTION CO., THOMAS E.  
MANION T/A MANION  
CONTRACTORS AND/OR THOMAS E.  
MANION, ELK CONSTRUCTION

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 171003576

JAMES WOJNICKI AND KIMBERLY  
WOJNICKI

IN THE SUPERIOR COURT OF  
PENNSYLVANIA



v.	:	
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TOLL BROTHERS, INC., TOLL PA II,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	No. 1363 EDA 2023
BROS., INC.	:	
	:	
Appellants	:	
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	:	

v.	:	
	:	
	:	
ANDERSEN WINDOWS, INC.,	:	
MICHAEL ANTOLINO	:	
CONSTRUCTION, INC., RSB	:	
CONSTRUCTION CO., EXTERIOR	:	
WALLS, INC., MACK DONOHOE	:	
CONTRACTORS, INC., THOMAS E.	:	
MANION T/A MANION	:	
CONTRACTORS AND/OR THOMAS E.	:	
MANION	:	

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180202349

MENG KOUCH AND LISA C. KOUCH	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA

v.	:	
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	:	
TOLL BROTHERS, INC., TOLL PA II,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	
BROS., INC.	:	No. 1364 EDA 2023
	:	
Appellants	:	
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	:	

v.

NEW MILLENNIUM CONTRACTORS  
CORP., A/K/A NEW MILLENIUM,  
MACK DONOHOE CONTRACTORS,  
INC., ANDERSEN WINDOWS, INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180302432

JAMES MCFADDEN

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

**V.**

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

No. 1365 EDA 2023

Appellant

**V.**

ANDERSEN WINDOWS, INC.,  
EXTERIOR WALLS, INC., ROBERT  
BURNS D/B/A RSB CONSTRUCTION  
CO., THOMAS E. MANION T/A  
MANION CONTRACTORS AND/OR  
THOMAS E. MANION, ELK  
CONSTRUCTION

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180502212

AJITH JOHN MANJAMATTATHIL AND  
MARINA JOSEPH

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.	:	
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	:	
TOLL BROTHERS, INC., TOLL PA II,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	No. 1366 EDA 2023
BROS., INC.	:	
	:	
Appellants	:	

v.	:
	:
	:
NEW MILLENNIUM CONTRACTORS	:
CORP, A/K/A NEW MILLENIUM, MACK	:
DONOHUE CONTRACTORS, INC.,	:
ANDERSEN WINDOWS, INC.	:

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180701242

BILLY ERNEST FLURRY AND MISTY	:	IN THE SUPERIOR COURT OF
LAW FLURRY	:	PENNSYLVANIA

v.	:	
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	:	
TOLL BROTHERS, INC., TOLL PA II,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	No. 1367 EDA 2023
BROS., INC.	:	
	:	
Appellants	:	

v.	:
	:
	:
ANDERSEN WINDOWS, INC., MACK	:
DONOHUE CONTRACTORS, INC.,	:

MICHAEL ANTOLINO  
CONSTRUCTION, RSB  
CONSTRUCTION CO.

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:

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180701953

ANDREW BONAS AND LAURA BONAS

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IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

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:

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

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:

No. 1368 EDA 2023

Appellants

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:

v.

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:  
:

MACK DONOHUE CONTRACTORS,  
INC., MICHAEL ANTOLINO  
CONSTRUCTION, INC., RSB  
CONSTRUCTION CO., ANDERSEN  
WINDOWS, INC.

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Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180701954

THOMAS LEVIEN

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:  
:

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

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:

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

:  
:  
:

No. 1369 EDA 2023

Appellants

v.

MACK DONOHUE CONTRACTORS,  
INC., BREFFNI CONTRACTING, INC.,  
RSB CONSTRUCTION CO.,  
ANDERSEN WINDOWS, INC.,  
ARCAMONE CONSTRUCTION

Appeal from the Order Entered April 20, 2023

In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180703136

ANDREW L. Palsky and Christina  
M. Palsky

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

No. 1370 EDA 2023

Appellants

v.

ANDERSEN WINDOWS, INC., MACK  
DONOHUE CONTRACTORS, INC.,  
MICHAEL ANTOLINO  
CONSTRUCTION, RSB  
CONSTRUCTION CO., MICHAEL  
KLYSINSKI D/B/A PRESTIGE HOME  
IMPROVEMENT

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 180703480

JOSHUA STONE AND JESSICA STONE	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
TOLL BROTHERS, INC., TOLL PA II,	:	
L.P., TOLL PA GP CORP., AND TOLL	:	
BROS., INC.	:	No. 1371 EDA 2023
	:	
Appellants	:	
	:	
	:	
	:	
	:	
v.	:	
	:	
	:	
ANDERSEN WINDOWS, INC.,	:	
ANTOLINO CONSTRUCTION, INC.,	:	
EXTERIOR WALLS, INC., RSB	:	
CONSTRUCTION CO., THOMAS E.	:	
MANION T/A MANION CONTRACTORS	:	
AND/OR THOMAS E. MANION,	:	
AQUARIUS SIDING, FRANK	:	
BADOLATO	:	

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 190703049

DANIEL TEISLER AND ROBERTA	:	IN THE SUPERIOR COURT OF
TEISLER	:	PENNSYLVANIA
	:	
	:	
	:	
v.	:	
	:	
	:	
	:	
	:	
	:	No. 1372 EDA 2023

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

Appellants

v.

ROBERT S. BURNS A/K/A RSB  
CONSTRUCTION CO., EXTERIOR  
OPTIONS, INC., D/B/A EXTERIOR  
WALLS, INC., MACK DONOHOE  
CONTRACTORS, INC., MAURICE J.  
HAUGEL, INC., ANDERSEN  
WINDOWS, INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 190703055

SHOU BAI CHAO AND HELEN  
HUIHUA MAO

v.

TOLL BROTHERS, INC., TOLL PA II,  
L.P., TOLL PA GP CORP., AND TOLL  
BROS., INC.

Appellants

v.

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1373 EDA 2023

M.A. CARDY CONSTRUCTION, INC., :  
MACK DONOHUE CONTRACTORS,  
INC., ANDERSEN WINDOWS, INC.

Appeal from the Order Entered April 20, 2023  
In the Court of Common Pleas of Philadelphia County Civil Division at  
No(s): 190703948

BEFORE: PANELLA, P.J.E., STABILE, J., and NICHOLS, J.

MEMORANDUM BY NICHOLS, J.:

**FILED MAY 22, 2025**

In these consolidated cases, Appellants Toll Brothers, Inc., Toll PA II, L.P., Toll PA GP Corp., and Toll Bros., Inc., (collectively, "Toll Bros.") appeal the order denying their motion to disqualify Appellees' counsel, Horn Williamson, LLC (Horn Williamson). We affirm.

Horn Williamson represents Appellee homebuyers in suits alleging that Toll Bros. "induced homebuyers to purchase [] homes that [] were defectively designed and constructed in violation of building code." **See, e.g.,** R.R. 162a (Appellees Julian Castaneda and Brenna Castaneda Compl., 10/27/17, at 5 (unpaginated)).<sup>1</sup> In the course of litigation, the trial court held a discovery conference on May 10, 2022 "in an attempt to encourage the parties to work cooperatively and to complete **all** outstanding discovery[.]" **See** Trial Ct. Op., 4/20/23, at 3 (unpaginated) (emphasis in original).

The trial court summarized the procedural history of this matter as follows:

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<sup>1</sup> We may cite to the parties' reproduced and supplemental reproduced records for the parties' convenience.



During the May 10, 2022 conference, [the trial court] specifically prohibited further discovery related to [Toll Bros.’] settlements with other homeowners.<sup>[fn2]</sup> Following the May 10, 2022 conference, [the trial court] issued an order that was meant to act as a final discovery order governing **all** remaining discovery. Per the May 10, 2022 order, [the trial court] directed that the parties **shall not** file any additional discovery motions without an accompanying motion for extraordinary relief granted by [the trial court] setting forth the exact parameters of the motion to be filed. Additionally, [the trial court] denied the extension of discovery deadlines in all of the above-captioned coordinated cases. Notably, on May 10, 2022, the third-party subpoenas that led to the production of the at-issue confidential settlement materials were [] not brought to [the trial court’s] attention as an item of outstanding discovery.<sup>[fn4]</sup>

<sup>[fn2]</sup> All counsel were instructed to bring forward any/all outstanding discovery issues at this omnibus conference. Horn Williamson sought the production of pricing and settlement documents, which [the trial court] denied.

<sup>[fn4]</sup> Rule 234 subpoenas to produce documents and appear at a deposition were sent out April 29, 2022 and May 2, 2022 to third-parties Sperrin and 4Glen, respectively. [Pa.R.Civ.P.] 234 requires notice on the docket [of these subpoenas] and such notice was not provided by Horn Williamson. On or around June 3, 2022, third-parties Sperrin and 4Glen produced the documents.<sup>[2]</sup>

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<sup>2</sup> Megan Abate, office manager for Sperrin Construction (Sperrin), testified that “4[Glen] used to be the name” of Sperrin Construction; that Sperrin performs stucco remediation; and that, in response to Horn Williamson’s subpoena, Sperrin electronically produced documents to Horn Williamson. R.R. at 891a-92a, 924a. Counsel for Toll Bros. described the extent of Sperrin’s production as approximately 20,000 pages of documents. **Id.** at 801a. Based on Ms. Abate’s testimony, the trial court found that Horn Williamson had failed to comply with the requirements for subpoenas for production of documents from third parties pursuant to Pa.R.Civ.P. 4009.21. **Id.** at 958a-59a, 967a-68a (“it appears that, regardless of motivation, that the wrong subpoena rules were used. . . . There is [Pa.R.Civ.P.] 400[9].21, and then there is [Pa.R.Civ.P.] 23[4].1. And it appears that there was a sort of cross pollination of what was going on[.]”).

On July 7, 2022, [Toll Bros.] filed an emergency motion to claw back the at-issue confidential documents.<sup>[fn5]</sup> [The trial court] immediately scheduled a hearing for July 25, 2022 and further ordered that the at-issue documents, including any marked for upcoming arbitrations, not be used in any litigation pending [the trial court's] hearing. At the request of the parties, the hearing [of] July 25, 2022 was rescheduled to August 24, 2022. . . .

<sup>[fn5]</sup> [The confidential documents were shown to the trial court *in camera* and the trial court reviewed them and determined that they contained pricing, prior repairs, and related conduct performed pursuant to confidential settlements with other homeowners. The actual documents indicated that they are confidential and were clearly marked in such a manner.]

Following the hearing on August 24, 2022, [the trial court] ordered that all confidential documents be clawed back, be precluded from use in any other litigation, and be returned to [Toll Bros.]. At the request of Horn Williamson, [on October 18, 2022, the trial court] amended the August 24, 2022 order [to] stat[e] that the claw back [provision] applied to all parties, including [Toll Bros.], and that the clawed back documents were to be returned to third-parties Sperrin and 4Glen.

On September 20, 2022, [Toll Bros.] filed the instant motion to disqualify Horn Williamson and all of its attorneys from acting as counsel adverse to [Toll Bros.]. After extensive filings and briefing, [the trial court] scheduled a hearing on the motion to disqualify to occur on December 2, 2022. Further, [the trial court] ordered that the parties were permitted to use the documents subject to the claw back motion in their litigation of the instant motion to disqualify under terms of confidentiality. Following [Toll Bros.] presentation on December 2, 2022, the hearing was further continued to January 31, 2023. In the interim of the two hearings, the parties continued their pattern of extensive motion practice. Following the hearing on January 31, 2023, [the trial court] ordered that all of the above-captioned coordinated cases be stayed pending [the trial court's] decision on the instant motion to disqualify and any appeal therefrom. [The trial court] then set a briefing schedule for post-hearing briefs.

**Id.** at 3-5 (unpaginated) (emphases in original, some internal citations and footnotes omitted, and some formatting altered).

Both Toll Bros. and the trial court describe the confidential documents at issue produced by Sperrin, which the trial court reviewed *in camera*, as “**contain[ing] pricing, prior repairs, and related conduct performed pursuant to confidential settlements with other homeowners.**” **Id.** at 3 n.1 (unpaginated) (emphasis added); **see also** Toll Bros.’ Brief at 13 (same). The trial court also described these documents as containing information such as “**commonality of repairs.**” Trial Ct. Op., 4/20/23, at 8 (unpaginated) (emphasis added).

On April 20, 2023, the trial court entered an order denying Toll Bros.’ motion to disqualify. Therein, the trial court “precluded [Horn Williamson] from admitting into evidence, at any proceedings related to these cases, any document or testimony . . . that relates to pricing, prior repairs, and/or related conduct performed pursuant to any confidential settlement with other homeowners who are not [Appellees] themselves.” Trial Ct. Order, 4/20/23, at 3 (unpaginated). The trial court also “precluded [Horn Williamson] from including in their fee petition any charges related to any discovery after May 10, 2022” unless specifically permitted by the trial court, related to Toll Bros.’ motions to claw back confidential materials or disqualify counsel, or related to “the procurement of any of the confidential information from third-parties that was not expressly allowed in the May 10, 2022 order[.]” **Id.** (some formatting altered). This fee-limiting directive imposed a financial sanction on Horn

Williamson related to its improper procurement of documents from Sperrin, in addition to the claw back and preclusion provisions set forth in the trial court's order of August 24, 2022, as amended on October 18, 2022.

Toll Bros. filed a timely notice of appeal.<sup>3</sup> The trial court did not order Toll Bros. to comply with Pa.R.A.P. 1925(b) and did not issue a Rule 1925(a) opinion.

On appeal, Toll Bros. presents the following question for our review:

Is disqualification required where (i) counsel improperly acquired confidential information concerning an adversary's pricing and settlement strategies in violation of court orders, discovery rules, and ethical obligations; and (ii) counsel's knowledge of the confidential information makes it impossible to ensure a fair trial?

Toll Bros.' Brief at 7.

Toll Bros. argues that the trial court erred in denying the motion to disqualify because Horn Williamson had "pressured [Sperrin] into producing the very settlement-related documents the trial court had ruled were not subject to discovery." *Id.* at 27. Toll Bros. alleges that the Sperrin documents

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<sup>3</sup> In its notice of appeal, Toll Bros. characterized the April 20, 2023 order as an appealable collateral order. On May 19, 2023, pursuant to Toll Bros.' motion for reconsideration, the trial court amended its April 20, 2023 order to add that "[t]his Order involves a controlling question of law as to which there is substantial ground for difference of opinion and an immediate appeal from this Order may materially advance the ultimate termination of the matter." R.R. at 1387a (Trial Ct. Order, 5/19/23). "An order denying a motion to disqualify a law firm from a litigation is immediately appealable as a collateral order." *Mertis v. Oh*, 289 A.3d 532, 535 n.1 (Pa. Super 2022) (citing *Rudalavage v. PPL Elec. Utilities Corp.*, 268 A.3d 470, 478 (Pa. Super. 2022); Pa.R.A.P. 313).

contain “the terms on which Toll [Bros.] settled similar claims, the scope of the repairs performed in connection with those settlements, [and] the amounts that Toll [Bros.] ultimately paid for those repairs[.]” and also alleges that these documents contain “confidential and proprietary information.” **Id.** at 26-27. In support of this characterization, Toll Bros. notes that “Sperrin [.] produced tens of thousands of pages of documents, which the trial court observed were ‘clearly marked’ confidential and described as ‘contain[ing] pricing, prior repairs, and related conduct performed pursuant to confidential settlements’ with third-party homeowners.” **Id.** at 13, *citing* Trial Ct. Op., 4/20/23, at 1, n.1 (unpaginated); R.R. at 926a-27a (N.T. Mot. Hrg., 8/24/22, at 135-36);<sup>4</sup> R.R. at 940a-41a (N.T. Mot. Hrg., 8/24/22, at 149-50).<sup>5</sup>

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<sup>4</sup> Counsel for Toll Bros. elicited the following testimony from Ms. Abate:

Q: And included in that production of documents that you gathered, were there confidential repair agreements between Toll [Bros.] and certain plaintiffs?

[. . .]

A: There were work orders, and, basically, any job that had the work order for – it was a work order. What’s behind that work order and specifics, is it called a repair agreement or not, I honestly do not know.

R.R. at 926a-27a.

<sup>5</sup> Additionally, counsel for Toll Bros. asked Ms. Abate about an email that she sent to Horn Williamson:

Q: And [your email] says, “I added a few files that I could find relating to Toll [Bros.] pricing.” Do you see that?

A: Right.

R.R. at 940a.

Toll Bros. notes that the trial court concluded that “if used, the information [from confidential settlement documents] would give Horn [Williamson] an unfair litigation advantage over Toll [Bros.]” ***Id.*** at 33; ***see also id.*** at 24 (Toll Bros. asserts that based on the Sperrin production Horn Williamson now knows “exactly how Toll [Bros.] values a settlement of the asserted claims and how it analyzed damages issues in similar cases”).

Toll Bros. argues that the trial court’s remedies of clawing back the documents and precluding Appellees from using any information from those documents in the instant litigation is inadequate because these directives “would not prevent Horn [Williamson] from using the information it learned from the confidential documents against Toll [Bros.]” ***Id.*** at 24-25. Toll Bros. further contends that disqualification is appropriate because Horn Williamson acquired “confidential information about an adversary[, *i.e.*, Toll Bros.] that will inform the lawyer’s litigation strategy to the disadvantage of the adversary.” ***Id.*** at 31. Therefore, Toll Bros. concludes that disqualification of Horn Williamson is necessary to ensure that Tolls Bros. obtains “the fair trial that due process requires.” ***Id.*** at 24 (citations omitted).

Horn Williamson responds that Toll Bros. “fail[ed] to make an adequate record” to establish that the documents which Horn Williamson obtained from Sperrin contained confidential documents such as Toll Bros.’ settlement agreements with other homeowners and points out that Toll Bros. has not produced any of the confidential documents that it alleges warrant disqualification. Appellees’ Brief at 31-34. Horn Williamson further contends

that this omission “deprives this Court of the ability to perform [our] review, because unlike the trial court this Court cannot see and review what information those documents actually contain.” **Id.** at 32-33.

Horn Williamson also argues that the alleged production of confidential settlement agreements would provide it with little to no litigation advantage against Toll Bros. **Id.** at 34-38. Specifically, at the time Toll Bros. filed its motion to disqualify, Horn Williamson had already “settled 300 to 400 separate cases with Toll Bros.” and, accordingly, was already “knowledgeable . . . concerning the types of settlements that Toll [Bros.] is willing to make in water intrusion cases.” **Id.** at 35 (citing S.R.R. at 586b (“Chart by disposition and development” from Horn Williamson’s Mot. for Reconsideration, 7/14/23)).

Horn Williamson further contends that any procurement of confidential settlement agreements from Sperrin was inadvertent and that this “inadvertent disclosure of confidential or even privileged material” does not warrant disqualification, particularly where, as here, the trial court issued a “sweeping preclusion order . . . to ensure a fair trial in these cases.” **Id.** at 30-31, 42-48.

In “reviewing a trial court’s order on disqualification of counsel, we employ a plenary standard of review.” **Weber v. Lancaster Newspapers, Inc.**, 878 A.2d 63, 80 (Pa. Super. 2005) (citing **Vertical Res., Inc. v. Bramlett**, 837 A.2d 1193, 1201-02 (Pa. Super. 2003)).

Our Supreme Court addressed who has authority to disqualify counsel in **In re Estate of Pedrick**, 482 A.2d 215 (Pa. 1984), and concluded that trial

courts do not generally have the power to “regulate the conduct of attorneys practicing before [them]” but may disqualify counsel “for violations of the Code [of Professional Responsibility] where disqualification is needed to [e]nsure the parties receive the fair trial which due process requires.” **Estate of Pedrick**, 482 A.2d at 221. This Court subsequently explained that

[c]ourts may disqualify attorneys for violating ethical rules. [**Vertical Res.**, 837 A.2d at 1201-02.] On the other hand, courts should not lightly interfere with the right to counsel of one’s choice. **Id.** Thus, disqualification is appropriate “only when both another remedy for the violation is not available and it is essential to ensure that the party seeking disqualification receives the fair trial that due process requires.” **Id.** (citation omitted); **see also**, Pa.R.Prof.Conduct 1.7, [Cmt] (“Where the conflict is such as to clearly call in question the fair or efficient administration of justice, opposing counsel may properly raise the question. Such an objection must be viewed with caution, however, for it can be misused as a technique of harassment.”)

**Weber**, 878 A.2d at 80; **see also Mertis**, 289 A.3d at 537 (stating that “disqualification is appropriate only when ‘another remedy . . . is not available and it is essential to ensure that the party seeking disqualification receives the fair trial that due process requires’” (citation omitted)); and **Vertical Res.**, 837 A.2d at 1201 (stating that disqualification of counsel “is a serious remedy which must be imposed with an awareness of the important interests of a client in representation by counsel of the client’s choice”) (citation and quotation marks omitted).

Further, this Court has explained that “[d]isqualification of counsel is a serious remedy that the court should use only when due process so requires.” **Sutch v. Roxborough Memorial Hospital**, 151 A.3d 241, 254-57 (Pa.



Super. 2016) (holding that disqualification was proper where counsel attempted to tamper with expert's testimony). "[I]f an attorney's conduct disrupts or threatens to disrupt the fair trial which due process requires, the trial court should disqualify [counsel]." **Id.** at 255 (citation omitted).

Here, the trial court found that Horn Williamson did not comply with Pennsylvania Rule of Civil Procedure 234.1 when it failed to "docket and file the proof of service" of its "subpoenas to produce and appear at deposition" on Sperrin and 4Glen, and that this omission resulted in Toll Bros. not receiving notice as required by Rule 234.1. Trial Ct. Op., 4/20/23, at 5 (unpaginated). Ultimately, however, the trial court concluded that "the record is not strong enough to support the conclusion that Horn Williamson violated the Pennsylvania Rules of Professional Conduct[]" and, further, that it had sufficiently responded to Horn Williamson's "questionable conduct" by entering a preclusion order "tailored . . . to ensure the parties receive the fair trial that due process requires." **Id.** at 7-8 (unpaginated). Therefore, the trial court concluded that this alternate remedy to disqualification was appropriate. **Id.**

Based on our review of the record, we agree with the trial court that disqualification is not warranted here. First, while the trial court found that Horn Williamson exhibited "questionable conduct," it declined to find that this conduct amounted to a violation of any ethical rules. **See** Trial Ct. Op., 4/20/23 at 7 (unpaginated) ("the record is not strong enough to support the conclusion that Horn Williamson violated the [Rules of Professional

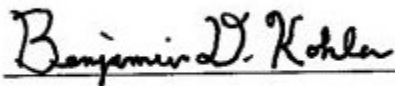
Conduct]”). Toll Bros. does not contest this finding of fact. **See** Toll Bros.’ Brief at 33 (stating that “[t]he trial court’s factual findings are unassailable”). As stated above, a trial court should impose the serious sanction of disqualification where the moving party has shown that “another remedy for the violation is not available and it is essential to ensure that the party seeking disqualification receives the fair trial that due process requires.” **Weber**, 878 A.2d at 80 (citation omitted); **see also Estate of Pedrick**, 482 A.2d at 221; **Mertis**, 289 A.3d at 537; **Sutch**, 151 A.3d at 254-55. Although we are mindful that disqualification was warranted in **Sutch** where a moving party demonstrated that opposing counsel’s conduct “disrupts or threatens to disrupt [a] fair trial[,]” we agree with the trial court that Toll Bros. has not demonstrated a commensurate risk here. **See Sutch**, 151 A.3d at 255.

Additionally, the record reflects that the information disclosed by Sperrin to Horn Williamson concerned the cost and price of repairs performed by a third party in other settled cases, including in cases where Horn Williamson represented the plaintiffs. We therefore conclude that, when considered together, the trial court’s directives – claw back of the improperly obtained documents, preclusion of use of the documents in the instant litigation, and preclusion of any charges related to the improper production of documents in Horn Williamson’s fee petition – form an appropriate remedy to ensure the fair trial that due process requires. **See Weber**, 878 A.2d at 80; **see also Estate of Pedrick**, 482 A.2d at 221; **Mertis**, 289 A.3d at 537; **Sutch**, 151 A.3d at 254-57.

We emphasize that Horn Williamson's misconduct as a legal professional in this matter, albeit "questionable," is troubling to this Court. While we do not condone Horn Williamson's conduct in procuring this production from Sperrin, we conclude that the trial court's carefully crafted remedy adequately addressed the misconduct and that the serious sanction of disqualification was not appropriate here. ***See Weber***, 878 A.2d at 80; ***see also Vertical Res.***, 837 A.2d at 1201. Accordingly, Toll Bros. is not entitled to relief.

Order affirmed. Jurisdiction relinquished.

Judgment Entered.

A handwritten signature in cursive script that reads "Benjamin D. Kohler". The signature is written in black ink and is positioned above a horizontal line.

Benjamin D. Kohler, Esq.  
Prothonotary

Date: 5/22/2025