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## Did you know...

**...the Pennsylvania Superior Court has recently issued a landmark decision under the Mechanics' Lien Law which could change the way courts view a contractor, subcontractor or supplier's right to file and secure a lien claim?**

Often owners or other parties opposing a lien claim will rely on older cases interpreting the statute, which suggest that if the strict terms of the Lien Law are not closely adhered to, a claimant's lien may be subject to prompt dismissal. Last month, in *Bricklayers of Western Pennsylvania Combined Funds, Inc. v. Scott's Development Co.*, the Pa. Superior Court confirmed for the first time that when defining the class of available lien claimants, the scope of the Lien Law's protections must receive a broad interpretation, to further the statute's remedial purpose of protecting pre-payment of labor and materials, and to promote justice.

In *Bricklayers*, the lien claimants were trustees of union employee benefit funds; and the owner asserted that the benefit funds were not entitled to assert a lien claim for unpaid contributions. In reaching its decision, the Superior Court found that union members' collective bargaining agreements actually qualified as "subcontracts" under the Lien Law. The Superior Court held the statute must be "*liberally construed*" to "*effectuate the Mechanics' Lien Law's remedial purpose of protecting pre-payment of labor and materials.*" In language which will reverberate in Lien Law cases for the foreseeable future, the Superior Court notes,

*If the Mechanics' Lien Law is to be construed to advance its remedial purpose, the scope of the statute's protection should receive a liberal interpretation, especially when it involves defining the class of available lien claimants.*

If you are considering whether you have a right to file a mechanics' lien claim on a given project, it is still essential to bear in mind your deadlines to notify the owner of your intention to file before *5 months* after your last work on a project, and then to file your lien claim within *6 months* from your last work. Other important timing deadlines in the Lien Law still apply, and in this tough work environment it is necessary to act on those rights sooner instead of later. The owner has petitioned the Supreme Court for allowance of appeal, but nevertheless, as it currently stands the *Bricklayers* decision establishes that when debating whether a party who has

otherwise complied with the technical requirements of the Lien Law is properly entitled to state a claim in the first place, the scales of justice should tip in favor of allowing the aggrieved contractor, subcontractor or supplier's claim to proceed.

**... the National Labor Relations Board (NLRB) has issued its final rule with respect to a new and additional workplace notice posting requirement?**

Beginning 4/30/12, most private businesses will be required to display an 11-by-17-inch poster outlining employee rights, along with other workplace posters displayed by the company. Where applicable, employers must also post a physical copy of the notice at worksites and an electronic copy on their company's internal or external website, if the company already does so with similar federal notices.

Copies of the official poster can be obtained at the following link: <https://www.nlr.gov/poster>. Employers have the option of posting their own notice in addition to the NLRB notice, as long as it does not contain threats of reprisal or force or promises of benefit.

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