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Client Success | Third Circuit Affirms Kilpatrick's Recovery of CASPA Penalties and Attorneys' Fees Award in *C.J. Hughes v. EQM*

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Kilpatrick attorneys secured a significant decision for contractors and subcontractors performing work in Pennsylvania. The Third Circuit Court of Appeals affirmed District Court Judge William S. Stickman's award of penalties, attorneys' fees, and expenses under the Pennsylvania Contractor and Subcontractor Payment Act (CASPA) to C.J. Hughes Construction Company. The case arose from a dispute over payment owed to C.J. Hughes for its work constructing segments of a natural gas pipeline.

In issuing its ruling, the Third Circuit offered greater clarity on the scope and application of CASPA. The Third Circuit confirmed CASPA does not contain a formal invoicing requirement, its attorney's fees provision does not require a showing that the non-prevailing party lacked good faith in its failure to pay amounts due, and the penalty provision in the pre-amendment version of CASPA is not waivable.

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