

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219  
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## **Granted Appeal Summary**

### **Case**

MCCLUNG-LOGAN EQUIPMENT COMPANY, INC. v. HARBOUR CONSTRUCTORS,  
CO., ET AL.

(Record Number 181633)

### **From**

The Circuit Court of Spotsylvania County; J. Ellis, Judge.

### **Counsel**

Thomas C. Mugavero (Whiteford, Taylor & Preston, LLP) for appellant.

Jack L. Wuerker and Amy Epstein Gluck (FisherBroyles, LLP) for appellee.

### **Assignment of Error**

1. The trial court erred in sustaining the Defendants' Demurrer as to Counts I-III of the Complaint where the facts alleged in the Complaint stated a claim for breach of contract, unjust enrichment or, in the alternative, *quantum meruit*.
2. The trial court erred in sustaining the Defendants' Demurrer to Count IV of the Complaint where the allegations in the Complaint and the record evidence demonstrated that Defendants had committed fraud on the court by asserting, falsely, that they intended to litigate the dispute in Maryland, thereby inducing the circuit court to dismiss the prior lawsuit.
3. The trial court erred in sustaining the Defendants' Demurrer on the basis of the forum-selection clause in the Rental Agreement where the allegations in the Complaint and the record evidence demonstrated that Defendants had waived enforcement of the forum-selection clause.