

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

MARBLE TECHNOLOGIES, INC., ET AL. v. STEVEN M. MALLON, ET AL.
(Record Number 191131)

From

The Circuit Court of the City of Hampton; M. Gaten, Judge.

Counsel

James J. Reid (David Kamp & Frank, L.L.C.) for appellants.

Matthew D. Meadows (Jones, Blechman, Woltz & Kelly, P.C.) for appellees.

Assignment of Error

The lower court erred in denying the Plea in Bar of Res Judicata filed by Defendants Sebastian Plucinski and Marble Technologies, Inc. (“Defendants”) because the Plaintiffs’ claims for relief are the same claims for relief between the same parties or their privies regarding the same conduct, transaction or occurrence that had been previously adjudicated on the merits in the matter styled, *Mallon et al. v. Marble Technologies, Inc., et al.*, Case No. CL11-1684; *reversed* in *Marble Techs., Inc. v. Mallon*, 290 Va. 27, 773 S.E.2d 155 (2015).

Assignment of Cross-Error

The lower court erred when it certified the Petitioners’ Interlocutory Appeal of the Court’s denial of their Plea in Bar of Res Judicata filed by Sabastian Plucinski and Marble Technologies, Inc. because the Petitioners did not agree that an Interlocutory Appeal is in the parties’ best interest as required by Virginia Code § 8.01-670.1.