

SUPREME COURT OF VIRGINIA



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

**Granted Appeal Summary**

**Case**

FANEUIL, INC. v. 3M COMPANY  
(Record Number 181202)

**From**

The Circuit Court of the City of Richmond; T. Markow, Judge.

**Counsel**

Joseph R. Pope, Brendan D. O'Toole, Jonathan T. Lucier, and Joseph E. Blackburn (Williams Mullen) for appellant.

Sybil L. Dunlop, Jenny Gassman-Pines, Anna M. Tobin (Greene Espel PLLP), and Carl R. Schwertz (Miles & Stockbridge) for appellee.

**Assignments of Error**

1. The trial court erred by not awarding Faneuil damages for the Annual Base Fixed Operating Costs and Reimbursable Expenses because the court found as a matter of fact that 3M committed the first material breach and failed to follow the procedures under the Tolling Subcontract necessary for any adjustment of the Annual Base Fixed Operating Costs.

1A. The trial court erred by misapprehending that Faneuil's damages claim was not entirely for recovery of payments for Special Services and therefore not subject to the scope change provision found in the Contract.