STATEMENT OF THE ISSUES

The issues presented by Appellant are:

1. **Whether the Contract Between the Parties was Unit Priced, or Fixed Price, Lump Sum?**

The trial court held that the contract was a fixed price, lump sum contract.

2. **Whether Contract Change Order 02-Final was for Extra Work, or Additional Unit Priced Work Necessary to Perform the Contract?**

The trial court did not address or rule upon this issue, because it was not presented to it.

3. **Whether the Trial Court Erred by Denying Prunty's Summary Judgment Motion.**

The Trial Court Denied Prunty's Summary Judgment Motion.

4. **Whether Genuine Issues of Material Fact Precluded Summary Judgment for the City.**

The Trial Court Granted the City's Motion for Summary Judgment.

5. **Whether the Court Erred in Denying the City's Motion for Sanctions.**

The Trial Court denied the City's Motion for Sanctions.