

Docket Number: 1292

**MERGENTIME CORPORATION
For The Use And Benefit of
GRIMME COMBUSTION, INC.**

~~Robert T. Carlton, Esquire~~
John H. Widman, Esquire
John A. Adams, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~Kenneth L. Sable, Chief Claims Attorney~~
~~John J. Robinson, Jr., Chief Claims Attorney~~
~~Andrew S. Gordon, Chief Counsel~~
John Robinson, Jr., Assistant Counsel

September 14, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$1,391,872.26+.

September 15, 1988

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

September 19, 1988

Acceptance of Service of Claim received from attorney for Defendant dated September 15, 1988. Receipt of same acknowledged by attorney for Defendant September 19, 1988.

September 23, 1988

Acceptance of Service of Claim received from Office of Attorney General September 15, 1988. Receipt of same acknowledged by Office of Attorney General September 19, 1988.

October 12, 1988

Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 25, 1988

Plaintiff=s First Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 23, 1989

Notice of Service of Defendant=s Interrogatories to Plaintiffs - First Set filed by attorney for Defendant.

November 16, 1989

Defendant=s Request for Production of Documents to Plaintiff - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 4, 1990

Defendant=s Response to Use Plaintiff=s First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 25, 1992

Letter requesting case be held in abeyance pending outcome of Grimme vs. Mergentime litigation received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 5, 1992

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 5th day of June, 1992, it is **ORDERED** and **DECREED** that all proceedings be, and are hereby, **STAYED** until the outcome of the Grimme vs. Mergentime litigation in Philadelphia County. Counsel for both the Defendant and the Plaintiff are **DIRECTED** to file with the Board of Claims a status report within ninety (90) days of the issuance of this Order and every ninety (90) days thereafter.≡ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 10, 1992

Acceptance of Service of Opinion and Order dated June 5, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 9, 1992.

June 16, 1992

Acceptance of Service of Opinion and Order dated June 5, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 10, 1992.

May 13, 1997

Status letter forwarded to parties.

Response due 6/12/97.

May 27, 1997

Letter received from attorney for Plaintiff advising that Plaintiff intends to file a Petition for Allowance of Appeal in the Supreme Court. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 2, 1997

Letter forwarded to the parties requesting a status report.
Response due January 2, 1998.

December 19, 1997

Letter received from attorney for Plaintiff advising that Supreme Court has not ruled on the Petition for Allowance of Appeal.

July 14, 1998

Letter forwarded to the parties requesting a status report.
Response due 8/14/98.

August 25, 1998

Letter received from attorney for Plaintiff, via fax, advising that this case has been remanded to the Philadelphia Court of Common Pleas.

November 4, 1999

Letter forwarded to parties requesting a status report. **Response due December 6, 1999.**

November 15, 1999

Letter received from attorney for Plaintiff advising that this case is presently in the Philadelphia Court of Common Pleas and a decision should be forthcoming.

June 21, 2000

Letter forwarded to parties requesting a status report. Due 7/21/00.

July 20, 2000

Faxed letter received from attorney for Plaintiff advising that Defendant filed their second Motion for Post trial Relief 2/00 and oral argument was held 5/00. The parties are awaiting the decision of the Philadelphia Court of Common Pleas.

March 29, 2001

Letter forwarded to parties requesting a status. Response due 4/30/01.

April 30, 2001

Faxed letter received from Plaintiff advising that the parties are awaiting briefing schedules from the Superior Court on the appeals.

May 2, 2001

US Mail letter received from attorney for Plaintiff advising that they are awaiting briefing schedules from the superior Court on the appeals.

June 7, 2002

Board forwarded letter to parties requesting a status. **Response due 7/8/02.**

June 19, 2002

Plaintiff filed a letter advising that they are awaiting a decision from the Supreme Court regarding whether Mergentime and INA=s Petition for allowance of appeal has been granted or denied.

April 3, 2003

Board forwarded letter to parties requesting a status report. **RESPONSE DUE FROM PARTIES 5/5/03.**

April 30, 2003

Plaintiff transmitted letter via fax advising that Order dated November 7, 2002, the Supreme Court of Pennsylvania denied Mergentime and INA=s Petition for Allowance of Appeal. Mergentime requests that this matter be kept open before the Board of Claims. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 2, 2003

Plaintiff filed a letter via U.S. mail advising that Order dated November 7, 2002, the Supreme Court of Pennsylvania denied Mergentime and INA=s Petition for Allowance of Appeal. Mergentime requests that this matter be kept open before the Board of Claims. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 3, 2003

Board forwarded letter to parties advising that the Board will continue to hold this case in its current stay. However, 90 days from the date of this letter a status report is due.

September 2, 2003

Plaintiff transmitted status report via fax advising why this case should remain in inactive status at the Board. Copy forwarded to Defendant.

September 2, 2003

Plaintiff filed via U.S. Mail status report, and thorough history of this case and their explanation why this case should remain in inactive status at the Board. Copy forwarded to Defendant.

July 20, 2004

Board issued letter to parties requesting a status report.

August 20, 2004

Plaintiff transmitted letter via fax requesting that this case remain in inactive status before the Board of Claims pending the satisfaction of the judgment against Mergentime.

August 23, 2004

Plaintiff filed letter via U.S. Mail requesting that this case remain in inactive status before the Board of Claims pending the satisfaction of the judgment against Mergentime.

November 5, 2008

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

February 5, 2013

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

February 18, 2013

Board's Notice of Proposed Termination of Case for Lack of Activity returned as "not deliverable as addressed".

January 12, 2017

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

March 6, 2017

Board rendered the following Opinion and Order. Order as follows: "AND NOW, this 6th day of March, 2017, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity. Copy forwarded to Plaintiff and Defendant.
