

Docket Number: 1631

A & L, INC.

~~Robert N. Peirce, Jr., Esquire~~
~~Mark T. Coulter, Esquire~~
*Stuart Moskowitz, Esquire
Richard I. Thomas, Esquire
David W. Sweet, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Chief Counsel~~
Michael D. Alsher, Assistant Counsel

CLOSED

April 8, 1992

Claim and filing fee filed by Plaintiff, additional information to be requested. Amount of Claim: \$700,739.00.

April 15, 1992

Letter forwarded to attorney for Plaintiff requesting additional information (supporting documentation).

April 15, 1992

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

April 20, 1992

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 16, 1992.

May 6, 1992

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 28, 1992.

May 29, 1992

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 3, 1992

Amended Claim (supporting documentation) filed by attorney for Plaintiff.

December 3, 1992

Plaintiff's Reply to New Matter of Defendant, Commonwealth of Pennsylvania. Department of Transportation filed by attorney for Defendant by attorney for Plaintiff.

December 3, 1992

Claimant's Interrogatories and Requests for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 11, 1992

Copies of Amended Claim (supporting documentation) forwarded to attorney for Defendant and Chief Deputy Attorney General.

December 16, 1992

Acceptance of Service of Amended Claim dated December 11, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 14, 1992.

February 17, 1993

Defendant's Interrogatories to Plaintiff - First Set and Defendant's Request for Production of Documents filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

April 21, 1993

Answers to Claimant's Interrogatories and Requests for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 28, 1997

Letter forwarded to parties requesting status. Response due from parties August 28, 1997.

August 22, 1997

Status letter received from attorney for Plaintiff.

January 12, 1998

Status letter received from attorney for Plaintiff advising that the parties are continuing to attempt negotiating damages in connection with this Claim.

July 20, 1998

Letter forwarded to parties requesting status. Response due from parties August 20, 1998.

August 21, 1998

Status letter received from attorney for Plaintiff advising that settlement negotiations are not forthcoming and further requesting that a hearing be set.

October 13, 1998

Hearing scheduled for April 19-23, 26-30, 1999 in Board=s Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA 17101-1501 commencing at 9:30 a.m. **Pre-Trial Statements due March 19, 1999.**

April 6, 1999

Hearing cancelled for April 19-23, 26-30, 1999 in Board=s Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA 17101-1501 commencing at 9:30 a.m.

April 7, 1999

Hearing scheduled for August 2-6, 9-13, 1999 in Board=s Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA 17101-1501 commencing at 9:30 a.m. **Pre-Trial Statements due July 2, 1999.**

June 14, 1999

Entry of Appearance of Stuart J. Moskovitz, Esquire filed on behalf of Plaintiff.

June 14, 1999

Letter filed by attorney for Plaintiff requesting the trial be postponed until completion of discovery.

June 16, 1999

Hearing cancelled for August 2-6, 9-13, 1999 in Board=s Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA 17101-1501.

March 16, 2000

Letter forwarded to parties requesting status. Response due from parties April 17, 2000.

May 30, 2000

2nd letter forwarded to parties requesting status. Response due from parties June 30, 2000.

August 3, 2000

Status letter received from attorney for Plaintiff advising that

the parties are in discovery.

March 21, 2001

Letter forwarded to parties requesting a status report. **Status report due 4/20/01.**

April 26, 2001

The Board rendered an Opinion and made the following Order: **AND NOW**, this 26th day of April, 2001, a Rule to Show Cause is issued upon Plaintiff, A & L, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked "closed, discontinued and ended with prejudice".@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 21, 2001

Status Report/Response to Rule to Show Cause filed by attorney for Plaintiff stating that plaintiff does wish to pursue this matter and that discovery will recommence this summer.

June 27, 2003

Board issued letter to parties requesting a status report. Status Report due on or before 7/28/03.

August 4, 2003

Plaintiff filed letter advising that a substitution of attorney is to be filed by the law firm of Pepper Hamilton, LLP and that there are ongoing settlement discussions.

February 5, 2004

Board issued letter to parties requesting a status report.

February 20, 2004

Plaintiff filed letter-type entry of appearance entering Pepper and Hamilton LLP, David W. Sweet, Esquire and Richard I. Thomas, Esquire as attorneys for Plaintiff.

August 12, 2004

Board rendered an Opinion and Order. Order as follows: **AND NOW**, this 12th day of August, 2004, a Rule to Show Cause is issued upon Plaintiff, A & L, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked closed, discontinued and ended with prejudice. Copy forwarded to Plaintiff and Defendant.

August 25, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated August 12, 2004. Receipt of same acknowledged August 21, 2004.

August 25, 2004

Plaintiff filed a Response to the Rule to Show Cause indicating that Plaintiff will immediately file a detailed status report.

August 27, 2004

Plaintiff filed a detailed status report advising that the Plaintiff will require additional time for discovery and that it does not expect this case will be ready for trial in the immediate future.

May 23, 2005

Board forwarded letter to parties requesting a status report.

August 18, 2005

Plaintiff filed Praecipe to Mark Case Settled, Discontinued and Ended. Copy forwarded to Defendant.

August 24, 2005

Board rendered an Order. Order as follows: "**AND NOW**, this 24th day of August, 2005, upon receipt of a Praecipe to Mark Case Settled, Discontinued and Ended, executed by Richard I. Thomas, Esquire, attorney for Plaintiff, requesting that the Board "Kindly mark the above-captioned matter settled, discontinued and ended with prejudice." and docketed with this Board under date of August 18, 2005, it is **ORDERED** and **DECREED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

August 31, 2005

Plaintiff filed Acceptance of Service of Order dated August 24, 2005. Receipt of same acknowledged August 28, 2005.
