

Docket Number: 1660

A & L, INC.

Stuart J. Moskovitz, Esquire
Richard I. Thomas, Esquire
David W. Sweet, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Chief Claims Attorney~~
~~James W. Kutz, Esquire~~
Michael D. Alsher, Assistant Counsel

CLOSED

August 19, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$1,935,333.51+.

August 25, 1992

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

August 28, 1992

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 26, 1992.

September 1, 1992

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 26, 1992.

October 21, 1992

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

November 17, 1992

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

February 4, 1993

Plaintiff's First Set of Interrogatories to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 5, 1993

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

March 10, 1993

Entry of Appearance of James W. Kutz, Esquire, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 11, 1993

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

June 30, 1993

Answers to Plaintiff's First Set of Interrogatories to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 12, 1993

Letter/Response to Plaintiff's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 30, 1993

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

September 1, 1993

Defendant's Interrogatories to Plaintiff - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 7, 1994

Plaintiff's Answers to Defendant's Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 1, 1994

Notice of Deposition of John Martin, Assistant Construction Engineer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 17, 1995

Motion to Compel Production of Documents After Rejected Request filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 5, 1995

Plaintiff's Response to Motion to Compel Production and Cross-Motion for Protective Order and Affidavit in Opposition to Defendant's Motion and In Support of Cross-Motion filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 18, 1995

Defendant's Brief in Support of Its Motion to Compel Production of Documents After Rejected Request filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 23, 1995

Plaintiff's Brief in Support of its Response to Motion to Compel Production and Cross-Motion for Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 8, 1995

The Board rendered an Opinion and made the following Order: **AND NOW**, this 8th day of December, 1995, counsel for Plaintiff, A & L, Inc., and counsel for Defendant, Commonwealth of Pennsylvania, Department of Transportation, are requested to establish a convenient date wherein the documents set forth between the parties as evidenced by the above-stated letter of November 3, 1994, and Plaintiff's letter of July 10, 1995, can be resolved.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 14, 1995

Acceptance of Service of Opinion and Order dated December 8, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 13, 1995.

December 26, 1995

Acceptance of Service of Opinion and Order dated December 8, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 21, 1995.

June 13, 1997

Letter forwarded to parties requesting status. Response due from parties July 14, 1997.

July 11, 1997

Status letter received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 11, 1998

Letter forwarded to parties requesting status. Response due from parties March 11, 1998.

March 23, 1998

Letter received from attorney for Plaintiff advising that the parties are, at present, conducting discovery.

October 20, 1998

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

December 7, 1998

2nd letter forwarded to parties requesting status. Response due from parties January 7, 1999 or Rule to Show Cause to be issued.

December 14, 1998

Letter received from attorney for Plaintiff advising that the parties are in discovery.

August 25, 1999

Letter forwarded to parties requesting status. Response due from parties September 27, 1999.

October 4, 1999

Letter received from attorney for Plaintiff advising that the parties are in discovery.

May 30, 2000

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 and that Plaintiff's firm has a change of address.

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.

March 9, 2004

Plaintiff filed Status letter advising that prior settlement discussions were unsuccessful and have ceased for the time being. Further advised that Plaintiff will require additional time for discovery in this matter. Copy forwarded to Defendant.

October 8, 2004

Board forwarded letter to parties requesting a Status Report.

November 4, 2004

Plaintiff filed letter advising that Plaintiff has initiated settlement discussions with the Department of Transportation and that Plaintiff does not expect that this case will be ready for trial in the immediate future.

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.
