

Docket Number: 1817

JAY FULKROAD & SONS, INC.

Thomas A. French, Esquire
Dean F. Piermattei, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~James J. Robinson, Jr., Chief Claims Attorney~~
Stephen S. Stokwitz, Esquire

CLOSED

April 27, 1994

Claim and filing fee filed by Plaintiff. Amount of Claim: \$94,020.74.

May 6, 1994

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

May 11, 1994

Acceptance of Service of Opinion dated May 6, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 9, 1994.

May 17, 1994

Acceptance of Service of Opinion and Order dated May 6, 1994, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 16, 1994.

August 4, 1994

Motion for Entry of a Default judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 5, 1994

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

October 20, 1995

Notices of Deposition of R.E. Springman, W.C. Hutchinson, Karl Doersman, William Replogle, Robert Naus, filed by attorneys for Plaintiff. Copies forwarded to attorney for Defendant by attorneys for Plaintiff.

July 8, 1997

Status letter forwarded to parties. Response due 8/8/97.

December 2, 1997

Claimant's First Request for Production and Copying of Documents Directed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 2, 1997

Claimant's Interrogatories Directed to Respondent - First set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 23, 1997

Department's Response to Claimant's First Request for Production of Documents and Copying of Document Directed to Respondent, as well as Respondent's Responses to Claimant's Interrogatories Directed to Respondent -- First Set filed by attorney for Defendant.

January 6, 1998

Letter forwarded to Defendant informing them per the Board of Claims' Rules of Procedure, specifically Rule No. 401(a), effective as of July 28, 1997, discovery material is not accepted.

May 28, 1998

Status letter received from Plaintiff advising that they will be disposing several individuals from PennDOT. These dispositions should be concluded within the next several months.

May 7, 1999

Praecipe to List case for Trial filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 11, 1999

Certificate of Service of Department's First Request for the Production of Documents filed by attorney for Defendant. Copy served upon attorney for Plaintiff by attorney for Defendant.

August 30, 1999

The Board made the following Order: **AND NOW**, this 30th day of August, 1999, it is **ORDERED** and **DECREED** that this matter is hereby set for a hearing before the full Board of Claims beginning March 6, 2000 and continuing through March 17, 2000, if necessary. The beginning time shall be at 9:30 a.m. on March 6, 2000 in the Board's Courtroom No. 1, 6th Floor Fulton Bank Building, 200 North Third Street, Harrisburg, PA. It is further **ORDERED** and **DECREED** that all discovery shall be completed no

later than thirty (30) day prior to trial of this matter. Copy
forwarded to attorney for Plaintiff and Defendant.

September 7, 1999

Acceptance of Service of Order dated August 30, 1999, received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 3, 1999.

September 10, 1999

Notice of Service of Claimant's Response to Respondent's First Request for Production of Documents served upon Defendant by Plaintiff.

September 14, 1999

Acceptance of Service of Order dated August 30, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 10, 1999.

September 30, 1999

Claimant's Pre-Trial Statement filed by attorney for Plaintiff.

October 8, 1999

Letter received from attorney for Defendant requesting that the filing date for the pre-trial statement be changed to 60 days in advance of the March 2000 trial date. This date change will allow the parties to complete discovery and prepare for trial.

November 2, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 2nd day of November, 1999, it is **ORDERED** and **DECREED** that Pre-Trial Statements herein shall be filed on or before January 6, 2000.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 8, 1999

Acceptance of Service of Opinion and Order dated November 2, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 5, 1999.

November 10, 1999

Acceptance of Service of Opinion and Order dated November 2, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 9, 1999.

January 6, 2000

Claimant's Pre-Trial Statement filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 6, 2000

Hearing settled.

March 7, 2000

Letter received from attorney for Defendant advising that the parties have reached a settlement. The parties will engage in further negotiations over the next months and if they do not prove fruitful, the Board will remain as a possible alternative.

March 9, 2000

Faxed and US Mail letter received from attorney for Defendant advising that the parties have reached a settlement. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 21, 2000

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

October 19, 2000

The Board rendered an Opinion and made the following Order: **AND NOW**, this 19th day of October, 2000, a Rule to Show Cause is issued upon Plaintiff, Jay Fulkroad & Sons, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board of Claims, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue this 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 ~~settled~~, discontinued and ended with prejudice. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 20, 2000

Acceptance of Service of Opinion and Order dated October 19, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 17, 2000.

April 10, 2001

The Board rendered an Opinion and made the following Order: **AND NOW**, this 10th day of April, 2001, this Order is issued as a result of the failure of Plaintiff, Jay Fulkroad & Sons, Inc., to file with the Board of Claims, within thirty (30) days from October 19, 2000, a response to the Rule to Show Cause advising why this Claim should not be dismissed for failure to abide by the instructions of the Board of Claims. Therefore, it is **DIRECTED** that the Rule of October 19, 2000, be made **ABSOLUTE** and the record be marked **Aclosed** and discontinued with prejudice@. Copy forwarded to attorney for Plaintiff and Defendant.

April 17, 2001

Acceptance of Service of Opinion and Order dated April 10, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 12, 2001.
