

Docket Number: 2238

ADAMS COUNTY ASPHALT COMPANY

~~*Jamie L. Sandman, Esquire~~
~~Robert M. Mumma, II, President~~
~~Joshua Lock, Esquire~~
~~Glenn J. Smith, Esquire~~
~~Wendy Weikal Beauchat, Esquire~~
~~Chadwick O. Bogar, Esquire~~
~~Kirt Schonage, Esquire~~
~~Daryl E. Christopher, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John A. Robinson, Chief Counsel~~
~~Stephen S. Stokwitz, Assistant Counsel~~

***July 23, 1996**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$300.00+.

July 26, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT AUGUST 16, 1996.

September 3, 1996

Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant.

November 5, 1996

Letter forwarded to parties requesting response and briefs to Defendant's Preliminary Objections. Defendant's Brief due November 26, 1996. Plaintiff's Response and Brief due December 16, 1996.

November 15, 1996

Defendant's Brief in Support of Defendant's Preliminary Objections filed by attorney for Defendant.

December 11, 1996

Plaintiff's Response and Brief in Support to Defendant's Preliminary Objections filed by attorney for Plaintiff.

January 31, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 31st day of January, 1997, Defendant, Commonwealth of Pennsylvania, Department of Transportation's, Preliminary Objections in the form of a Demurrer and a Motion for More Specific Pleading are **DENIED**. Defendant shall file an Answer within thirty (30) days of the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant. Response to Plaintiff's Claim due March 3, 1997.

February 7, 1997

Acceptance of Service of Opinion and Order dated January 31, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 1997.

***March 19, 1997**

Amended Claim filed by attorney for Plaintiff. Amount of Claim changed to 667,690.87+.

March 26, 1997

The Board rendered the following Order: "AND NOW, this 26th day of March, 1997, the following Amended Compliant is ALLOWED."

Response due from Defendant April 28, 1997.

April 3, 1997

Acceptance of Service of Amended Claim dated March 26, 1997, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 31, 1997.

April 3, 1997

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 31, 1997.

April 25, 1997

Defendant's Answer to Plaintiff's Amended Claim filed by attorney for Defendant.

November 5, 1997

Letter forwarded to parties requesting status. Response due from parties December 5, 1997.

December 5, 1997

Status letter received from attorney for Plaintiff.

July 13, 1998

Status letter forwarded to parties requesting status. Response due from parties August 13, 1998.

July 29, 1998

Status letter received from attorney for Defendant advising that the parties are conducting settlement negotiations.

July 30, 1998

Status letter received from attorney for Plaintiff advising that the parties have been unable to settle and further requesting that a hearing be set.

October 28, 1998

Letter forwarded to parties requesting status. Response due from parties November 30, 1998.

March 30, 1999

Hearing scheduled for November 8, 9, 10, 12 & 15, 1999 in Board's Court Room No. 1, 200 North Third Street, Suite 600, Harrisburg, PA commencing at 9:30 a.m.

***October 8, 1999**

Withdrawal of Appearance of Jamie L. Sandman, Esquire filed on behalf of Plaintiff.

October 8, 1999

Letter received from attorney for Defendant requesting a continuance of the hearing set until June 2000.

October 18, 1999

Letter received from Plaintiff disagreeing with cancellation of hearing.

October 25, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of October, 1999, it is **ORDERED** and **DECREED** that the original trial dates are hereby canceled. It is further **ORDERED** and **DECREED** that the trial shall commence on January 25, 2000 and continue, if necessary, through February 1, 2000. It is further **ORDERED** and **DECREED** that all discovery herein shall be completed no later than January 14, 2000." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 29, 1999

Certificate of Service of Defendant's Interrogatories Directed to Plaintiff (First Set) and Defendant's First Request for the Production of Documents filed.

November 1, 1999

Acceptance of Service of Opinion and Order dated October 25, 1999 received from Plaintiff. Receipt of same acknowledged by Plaintiff October 26, 1999.

November 3, 1999

Acceptance of Service of Opinion and Order dated October 25, 1999 received from Defendant. Receipt of same acknowledged by Defendant November 2, 1999.

December 29, 1999

Letter received from attorney for Plaintiff requesting an indefinite continuation of the hearing scheduled in this matter.

January 6, 2000

Hearing scheduled for January 25, 2000 through February 1, 2000 canceled due to possible settlement.

July 21, 2000

Letter forwarded to parties requesting status. Response due from parties August 21, 2000.

August 21, 2000

Status letter received from attorney for Plaintiff advising that the parties are still conducting settlement negotiations.

November 16, 2000

Letter received from attorney for Plaintiff requesting that a hearing be scheduled.

November 28, 2000

The Board made the following Order: "**AND NOW**, this 28th day of November, 2000, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board beginning on November 13, 2001 through November 16, 2001, as well as November 19, 2001 and November 20, 2001, if necessary. Said hearing shall be held in Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery be completed no later than October 15, 2001." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 18, 2001

Praecipe to withdraw appearance of Joshua D. Lock, Esquire, attorney for Plaintiff filed by Joshua D. Lock, Esquire. Copy forwarded to attorney for Defendant by Joshua D. Lock, Esquire.

October 30, 2001

Entry of Appearance of Glenn J. Smith, Esquire, on behalf of Plaintiff filed (via fax) by attorney for Plaintiff.

October 30, 2001

Letter received (via fax) requesting a continuance for the hearing scheduled to begin November 13, 2001 filed by attorney for Plaintiff.

November 2, 2001

The Board rendered the following Order: "**AND NOW**, this 2nd day of November, 2001, the hearing scheduled to begin on November 13, 2001, is hereby continued and will be rescheduled upon indication from Plaintiff, Adams County Asphalt Company, that Plaintiff is ready for trial." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 6, 2001

Certificate of Service of Entry of Appearance filed by attorney for Plaintiff.

November 13, 2001

Acceptance of Service of Order dated November 2, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 8, 2001.

May 2, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before June 3, 2002.

June 6, 2002

Letter/Status Report received from attorney for Plaintiff advising that there are still outstanding discovery requests that Plaintiff is sending to Defendant.

October 22, 2002

Letter received from attorney for Plaintiff via facsimile advising that the parties are working together to resolve all outstanding discovery issues and request that the Board take no action per its August 23, 2002 opinion until the counsel have met to resolve this matter.

October 24, 2002

Letter received from attorney for Plaintiff via U.S. Mail advising that the parties are working together to resolve all outstanding discovery issues and request that the Board take no action per its August 23, 2002 opinion until the counsel have met to resolve this matter.

May 13, 2003

Board forwarded a letter to parties requesting a Status Report. Status Report due on or before **6/17/03**.

June 12, 2003

Plaintiff filed an entry of appearance of Chadwick O. Bogar, Esquire on behalf of Plaintiff.

June 12, 2003

Plaintiff filed a letter advising that the parties are preparing for a hearing in this matter.

June 17, 2003

Wendy Weikal-Beauchat, Esquire filed a letter advising that she is no longer the Plaintiff's attorney.

November 12, 2003

Defendant filed Notice of Service of Defendant's Answers to Plaintiff's First Set of Requests for Admissions and Interrogatories.

November 12, 2003

Defendant filed Notice of Service of Defendant's Answers to Interrogatories and Second Request for Documents.

June 14, 2004

Board forwarded letter to parties requesting a Status Report.

July 28, 2004

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 28th day of July, 2004, a Rule to Show Cause is issued upon Plaintiff, Adams County Asphalt Company, 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 5, 2004

Plaintiff filed Praecipe to Withdraw appearance of Chadwick O. Bogar, Esquire and Enter appearance of Kirk Sohonage, Esquire, on behalf of Plaintiff.

August 11, 2004

Plaintiff filed (via fax) letter advising that Plaintiff does wish to pursue the above-captioned matter and that the parties are in discovery.

August 12, 2004

Plaintiff filed (via U.S. mail) letter advising that Plaintiff does wish to pursue the above-captioned matter and that the parties are in discovery.

September 27, 2004

Plaintiff filed letter, entering appearance of Daryl E. Christopher, Esquire, on behalf of Plaintiff, as co-counsel.

September 27, 2004

Plaintiff filed Certificate of Service of Plaintiff's Third Set of Interrogatories to Defendant.

December 27, 2004

Plaintiff filed Praecipe for Withdraw/Entry of Appearance of Kirk S. Sohonage, Esquire and Daryl E. Christopher, Esquire, on behalf of Plaintiff.

May 26, 2005

Plaintiff filed Praecipe to Withdraw Appearance of Daryl E. Christopher, Esquire, on behalf of Plaintiff.

November 4, 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.

November 12, 2008

Plaintiff's old law firm filed letter advising that Mr. Sohonage is no longer a counsel member for Miller, Lipsitt, LLC and provided Board with Mr. Sohonage current address.

November 17, 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.

April 1, 2009

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 1st day of April, 2009, 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.
