

CONSOLIDATED WITH NO. 2521

Docket Number: 2278

**DeMATTEIS/MACGREGOR DETENTION CONSTRUCTORS, J.V.;
UNIVERSAL BONDING INSURANCE COMPANY; AND
UNITED STATES FIRE INSURANCE COMPANY**

~~John F. Duggan, Esquire
William W. Warren, Jr., Esquire
Kenneth W. Lee, Esquire~~

CLOSED

~~COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES~~

~~Gregory C. Santoro, Chief Counsel
Jose E. Morales, Esquire~~

October 15, 1996

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$6,081,003.98+.

October 29, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 11-28-96.

November 5, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 31, 1996.

CLOSED

December 2, 1996
Preliminary Objections of Commonwealth of Pennsylvania, Department of General Services and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response and Brief due from Plaintiff 1/7/97.

January 6, 1997

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 1, 1996.

January 7, 1997

Answer of Plaintiff to Preliminary Objections of Commonwealth of Pennsylvania, Department of General and Brief in Support thereof filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 22, 1997

Plaintiff DeMatteis/MacGregor Detention Constructors, J.V.'s First Request for Production of Documents Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 21, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of August, 1997, the Preliminary Objections filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, against the Plaintiffs, DeMatteis/MacGregor Detention Constructors, J.V. Universal Bonding Insurance Company, and United States Fire Insurance Company, are hereby **DENIED** and the Defendant is **DIRECTED** to file an answer or other response to Plaintiffs' Complaint within thirty (30) days of the exit date of this Order."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 26, 1997

Acceptance of Service of Opinion and Order dated August 21, 1997, received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff August 22, 1997.

August 29, 1997

Acceptance of Service of Opinion and Order dated August 21, 1997, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 27, 1997.

August 29, 1997

Acceptance of Service of Opinion and Order dated August 21, 1997, received from attorney for Plaintiff (Kenneth W. Lee, Esquire). Receipt of same acknowledged by attorney for Plaintiff August 25, 1997.

September 24, 1997

Letter forwarded to the parties requesting a status report. Response due 10/24/97.

October 6, 1997

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

Response due 11/5/97.

October 24, 1997

Status Report filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 10, 1997

Plaintiff's Answer to New Matter of Defendant filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 17, 1997

Letter forwarded to the parties directing them to proceed with discovery.

April 21, 1998

Praecipe to Withdraw the appearance of John F. Duggan, Esquire, filed.

CLOSED

November 10, 1997
Letter forwarded to the parties requesting a status report.
Response due 12/10/98.
December 1, 1998

Status Report filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 14, 1998

Hearing scheduled for September 7, 8, 9 and 10, 1999; September 13, 14, 15, 16 and 17, 1999; and September 20, 21, 22, 23 and 24, 1999 in Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

May 4, 1999

Notices of Deposition of Thomas C. Crabtree, Larry L. Miller, Richard Castner and Merle H. Ryan filed by attorney for Plaintiff, via facsimile.

May 7, 1999

Notices of Deposition of Thomas C. Crabtree, Larry L. Miller, Richard Castner and Merle H. Ryan filed by attorney for Plaintiff, via U.S. Mail.

May 14, 1999

Stipulation to Consolidate, executed by parties, filed by attorney for Defendant.

May 20, 1999

Stipulation to Consolidate (with No. 2278) approved and signed by Judge Clipper. Stipulation as follows: "It is hereby agreed to and stipulated by and between counsel for plaintiffs, DeMatteis/MacGregor Detention Constructors, J.V., United States Fire Insurance Company and Universal Bonding Insurance Company, and counsel for defendant, Commonwealth of Pennsylvania, Department of General Services, that the above-captioned matters shall be consolidated for both discovery and trial under Docket No. 2278. Both actions involve common questions of fact because the claims asserted are against the same defendant and arise from the same contract for installation and renovation of detention equipment at the State Correctional Institution in Pittsburgh, PA. Consolidation of these actions will avoid added expense and duplication of work as much of the discovery and evidence will be the same in both cases." Copy forwarded to all counsel received.

May 26, 1999

Acceptance of Service of Opinion and Order dated May 20, 1999 received from attorney for Plaintiff (Kenneth W. Lee, Esquire). Receipt of same acknowledged by attorney for Plaintiff May 26, 1999.

May 28, 1999

Acceptance of Service of Stipulation to Consolidate received from attorneys for Plaintiff (Paul M. Hummer, Esquire and Risa B. Greene, Esquire). Receipt of same acknowledged by attorneys for Plaintiff May 26, 1999.

June 1, 1999

Acceptance of Service of Stipulation to Consolidate received from attorneys for Defendant (Jose E. Morales, Assistant Counsel and Elizabeth O'Reilly, Assistant Counsel). Receipt of same acknowledged by attorneys for Defendant May 24, 1999.

July 23, 1999

Letter received from attorney for Defendant advising that these matters have settled and that Plaintiff will file a Praecipe upon receiving payment from Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 27, 1999

Hearing scheduled for September 7, 8, 9 and 10, 1999; September 13, 14, 15, 16 and 17, 1999; and September 20, 21, 22, 23 and 24, 1999 **canceled** due to settlement of the parties.

September 2, 1999

Praecipe for Substitution of Counsel of Kenneth W. Lee, Esquire and Reager & Adler, on behalf of Plaintiff, and requesting the withdrawal of Plowman, Spiegel & Lewis filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 28, 1999

Letter forwarded to parties requesting status report. Status Report due on or before **November 29, 1999**.

October 29, 1999

Status Report Reply received from Defendant, via e-mail, advising that they would state that this matter has been settled and paid in full by Defendant.

November 5, 1999

Praecipe to Settle, Discontinue and End filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorneys for Plaintiff.

November 10, 1999

The Board made the following Order: "**AND NOW**, this 10th day of November, 1999, upon receipt of a Praecipe to Settle, Discontinue and End, requesting the Board to 'Please mark the above-captioned matters Settled, Discontinued and Ended', executed by Kenneth W. Lee, Esquire, Paul M. Hummer, Esquire and Risa B. Greene, Esquire on behalf of Plaintiffs, DeMatteis/MacGregor, et al. and United States Fire Insurance Company, et al., and docketed with this Board under date of November 5, 1999, it is **ORDERED** and **DIRECTED** that said cases be marked 'settled, discontinued and ended with prejudice'."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 16, 1999

Acceptance of Service of Order dated November 10, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 15, 1999.

November 19, 1999

Acceptance of Service of Order dated November 10, 1999 received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff November 17, 1999.

November 29, 1999

Acceptance of Service of Order dated November 10, 1999 received from attorney for Plaintiff, (Kenneth W. Lee, Esquire). Receipt of same acknowledged by attorney for Plaintiff November 16, 1999.

CLOSED