

Docket Number: 2698

**Agway Petroleum Corporation**

M. Kathleen Masters, Sales Operations Manager

VS.

**COMMONWEALTH OF PENNSYLVANIA  
Department of Transportation**

John J. Robinson, Chief Claims Attorney

**June 8, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: Unknown

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**July 9, 1998**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT AUGUST 10, 1998.**

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**July 15, 1998**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 10, 1998.

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**July 15, 1998**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 13, 1998.

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**July 31, 1998**

Preliminary Objections and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 4, 1998**

Letter forwarded to Plaintiff requesting response and brief to Defendant's Preliminary Objections. Response due September 4, 1998.

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**October 5, 1998**

Status letter filed by attorney for Defendant requesting Plaintiff to respond to Defendant's Preliminary Objections or Defendant will request the Board dismiss same.

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**November 18, 1998**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of November, 1998, upon consideration of the preliminary objections filed by defendant, those preliminary objections are **SUSTAINED** and plaintiff is hereby **ORDERED** to file an amended complaint within thirty (30) days of the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 23, 1998**

Acceptance of Service of Opinion and Order dated November 18, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 23, 1998.

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**March 4, 1999**

Letter forwarded to parties requesting status. Response due from parties April 5, 1999.

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**March 9, 1999**

Letter received from attorney for Defendant requesting that the Board dismiss this case for failure to follow the Board's Order dated November 18, 1998, wherein the Board directed the Plaintiff to file an Amended Complaint on/or before December 18, 1998.

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**April 7, 1999**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 7th day of April, 1999, it is **ORDERED** and **DECREED** that this case be marked terminated and ended with prejudice for Plaintiff's failure to comply with the Board's Order of November 18, 1998." Copy forwarded to Plaintiff and attorney for Defendant.