

Docket Number: 2766

Philadelphia Suburban Water Company

Keith E. Gabage

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
Department of Transportation

~~John J. Robinson, Chief Claims Attorney~~  
Cheryl Kovaly, Assistant Counsel

Docket No. 2766

**August 25, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$19,500.62

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**September 9, 1998**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT OCTOBER 9, 1998.**

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**September 17, 1998**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 14, 1998.

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**CLOSED**

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

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**November 3, 1998**

Plaintiff's Response and Brief to Defendant's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 17, 1998**

Status letter received from Plaintiff requesting a status conference.

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**January 21, 1999**

The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of January, 1999, the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, to the Complaint of the Plaintiff, Philadelphia Suburban Water Co., are hereby **DENIED**. Defendant is granted leave to file an answer to Plaintiff's Complaint within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 26, 1999**

Acceptance of Service of Opinion and Order dated January 21, 1999 received from Plaintiff. Receipt of same acknowledged by Plaintiff January 26, 1999.

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**January 26, 1999**

Letter received from Plaintiff requesting a status conference be set to discuss settlement.

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**January 28, 1999**

Acceptance of Service of Opinion and Order dated January 21, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 25, 1999

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February 9, 1999

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

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**February 9, 1999**

Letter forwarded to Plaintiff requesting response to Defendant's New Matter. Response due March 9, 1999.

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**February 25, 1999**

Plaintiff's Answer to Defendant's New Matter filed via facsimile. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 1, 1999**

Letter forwarded to parties directing parties to commence with discovery.

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**March 1, 1999**

Plaintiff's Answer to Defendant's New Matter filed via U.S. Mail. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 8, 1999**

Defendant's Motion for Judgment on the Pleadings and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 12, 1999**

Letter forwarded to Plaintiff requesting Response to Defendant's Motion for Judgment on the Pleadings. Plaintiff's Brief due April 12, 1999.

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**March 24, 1999**

Plaintiff's letter-type Answer and Opposition of PSWC to PennDot's Motion for Judgment on the Pleadings. Copy forwarded to attorney for Defendant by Plaintiff.

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**March 26, 1999**

Plaintiff's Answer and Opposition to PSWC to PennDOT's Motion for Judgment on the Pleadings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 27, 1999**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 27th day of May, 1999, Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Motion for Judgment on the Pleadings is DENIED. The parties are directed, at this time, to proceed with whatever discovery is deemed appropriate. Thereafter, the parties are directed to furnish the Board with a status report advising of their position relative to scheduling the matter for trial."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 2, 1999**

Acceptance of Service of Opinion and Order dated May 27, 1999 received (via fax) from Plaintiff. Receipt of same acknowledged by Plaintiff June 1, 1999.

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**June 4, 1999**

Acceptance of Service of Opinion and Order dated May 27, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 4, 1999.

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**June 4, 1999**

Acceptance of Service of Opinion and Order dated May 27, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 3, 1999.

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**August 2, 1999**

Letter received from Plaintiff requesting a status conference be held.

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**August 6, 1999**

Certificate of Service of Defendant's Answers to Plaintiff's Interrogatories and Documents Responsive to Plaintiff's Request for Production of Documents filed.

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**February 15, 2000**

Status letter received from attorney for Defendant advising that the parties are in discovery.

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**August 28, 2000**

Letter forwarded to parties requesting status. Response due from parties September 28, 2000.

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**October 17, 2000**

2nd letter forwarded to parties requesting status. Response due from parties November 1, 2000. This is a Rule

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**January 11, 2001**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 11th day of January, 2001, a Rule to Show Cause is issued upon Plaintiff, Philadelphia Suburban Water 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 attorney for Defendant.

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**March 21, 2001**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 21st day of March, 2001, this Order is issued as a result of the failure of Plaintiff, Philadelphia Suburban Water Company, to file with the Board of Claims, within thirty (30) days from January 11, 2001, 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 January 11, 2001, be made **ABSOLUTE** and the record be marked "closed and discontinued with prejudice".