

Docket Number: 2838

STAMBAUGH'S AIR SERVICE, INC.

Thomas B. Schmidt, III, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

February 11, 1999

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim:\$697,106.00

February 19, 1999

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT MARCH 19, 1999.**

February 26, 1999

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 24, 1999.

CLOSED

Letter forwarded to attorney for Plaintiff requesting response to Defendant's Preliminary Objections. Response due April 30, 1999.

April 22, 1999

Joint Motion for Temporary Stay of Proceedings and proposed Order filed by attorneys of record.

April 27, 1999

The Board rendered the following Order: **"AND NOW,** this 27th day of April, 1999, upon consideration of the parties' joint motion for a temporary stay of proceedings, it is hereby ordered that the motion is granted and a 45 day stay is imposed on the proceedings. At the end of 45 days, the parties shall report to the Board on the status of their discussions. If the parties report that litigation is necessary, plaintiff's response to defendant's preliminary objection shall be due on June 10, 1999. Nothing in this Order shall prevent either party from requesting relief from the stay prior to the expiration of the 45 day period for good cause shown." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 29, 1999

Acceptance of Service of Order dated April 27, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by Plaintiff April 28, 1999.

June 10, 1999

Plaintiff's Response and Brief to Defendant's Preliminary Objections filed.

June 28, 1999

Defendant's Reply to the Issue of its Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 2, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW, this 2nd day of July, 1999, upon consideration of the preliminary objections filed by the defendant and the response filed by the plaintiff, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the preliminary objections are **OVERRULED** and defendant is **ORDERED** to respond to the complaint within thirty (30) days of the entry date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 8, 1999

Acceptance of Service of Opinion and Order dated July 2, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 7, 1999.

August 2, 1999

Acceptance of Service of Opinion and Order dated July 2, 1999 received from attorney for Defendant July 27, 1999.

August 3, 1999

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
Response due from Plaintiff September 9, 1999.

August 24, 1999

Plaintiff's Response to Defendant's New Matter filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 27, 1999

Letter forwarded to parties directing parties to commence with discovery.

September 14, 1999

Certificate of Service of Plaintiff's First Set of Document Requests of Plaintiff as well as First Set of Interrogatories of Plaintiff filed by attorney for Plaintiff.

September 23, 1999

Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 upon Custodian of Records, BAA Harrisburg Incorporated; Custodian of Records, Susquehanna Area Regional Airport, Authority; and Custodian of Records, Blooming Glen Contractors, Inc.

October 18, 1999

Certificate Prerequisite for Service of a Subpoena Pursuant to Rule 4009.22 upon Custodian of Records, BAA Harrisburg Incorporated; Custodian of Records, Susquehanna Area Regional Airport, Authority; and Custodian of Records, Blooming Glen Contractors, Inc.

October 22, 1999

Certificate of Service of Defendant's Response to First Set of Document Requests of Plaintiff Directed to Defendant filed.

October 27, 1999

Certificate of Service of Department's Response to First Set of Interrogatories of Plaintiff Stambaugh's Air Service, Inc. Directed to Defendant.

January 27, 2000

Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 filed by attorney for Plaintiff.

January 28, 2000

Certificate Prerequisite for Service of a Subpoena Pursuant to Rule 4009.22 filed by attorney for Plaintiff.

March 24, 2000

Notice of Service of Notice of Deposition unto Stephen S. Stokwitz, Esquire and Al Mummert filed by attorney for Plaintiff.

March 22, 2000

Notice of Service of Plaintiff's Notice of Deposition of Stephen S. Stokwitz, Esquire.

March 29, 2000

Notice of Deposition served upon Stephen S. Stokwitz, Esquire as well as Subpoena served upon Charles Hostetter filed by attorney for Plaintiff.

April 3, 2000

Notice of Service of Amended Notice of Deposition of Stephen S. Stokwitz, Esquire filed by attorney for Plaintiff.

April 10, 2000

Notice of Service of Second Amended Notice of Deposition filed by attorney for Plaintiff.

April 14, 2000

Notice of Service of Notice of Deposition upon Stephen S. Stokwitz, Esquire filed by attorney for Plaintiff.

April 17, 2000

Notice of Service of Subpoena upon John Lehman, as well as, Notice of Service of Notice of Deposition on Stephen S. Stokwitz, Esquire filed by attorney for Plaintiff.

May 10, 2000

Notice of Service of Subpoena upon Paul Adjan filed by attorney for Plaintiff.

May 10, 2000

Notice of Service of Subpoena upon Fran Strouse filed by attorney for Plaintiff.

May 18, 2000

Notice of Service of Subpoena upon Brian Leonhard filed by attorney for Plaintiff.

July 25, 2000

Notice of Deposition of Stephen S. Stokwitz filed by attorney for Plaintiff.

October 26, 2000

Stambaugh's Air Service, Inc.'s Motion for Summary Judgment as to Liability and Brief in Support filed attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
Defendant's Response due 11/30/00.

April 16, 2001

Letter forwarded to parties requesting status. Response due from parties May 16, 2001.

May 4, 2001

Status letter received from attorney for Plaintiff advising that the parties have reached a settlement and when the final settlement documents are signed, Plaintiff will take the necessary steps to discontinue this litigation.

October 3, 2001

Letter forwarded to parties requesting status. Response due from parties November 5, 2001.

November 2, 2001

Status letter received from attorney for Plaintiff advising that the parties have reached terms of settlement and the necessary paperwork has been signed and as soon as the transfer of funds takes place, Plaintiff will request the Board to discontinue same.

January 28, 2002

Letter-type Praecipe advising that payment has been paid in full filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 11, 2002

Praecipe to Discontinue filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 12, 2002

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 12th day of February, 2002, it is **ORDERED** and **DECREED** that the February 11, 1999 Claim filed by Stambaugh's Air Service, Inc. shall be **DISMISSED** in that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, has made full payment pursuant to a Settlement Agreement between the parties. It is so **ORDERED.**" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 22, 2002

Acceptance of Service of Order dated February 12, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 11, 2002.

CLOSED