

Docket Number: 2977

MARSICO CORPORATION, IN ITS OWN NAME AND RIGHT, and MARSICO  
CORPORATION, EX REL., FOR THE USE AND BENEFIT OF PAT IONADI  
CORPORATION

Kristie Kachuriak, Esquire  
Robert J. Blumling, Esquire  
Michael D. Klein, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
STATE SYSTEM OF HIGHER EDUCATION, SLIPPERY ROCK UNIVERSITY

~~Robert A. Mülle, Chief Counsel~~  
Thomas J. Madigan, Esquire  
Christopher A. Coppula, Esquire

**November 5, 1999**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$2,529.00+.

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**November 9, 1999**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 12/9/99.

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**November 17, 1999**

Acceptance of Service of Claim received by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 12, 1999.

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**November 17, 1999**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 15, 1999.

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**December 9, 1999**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff 1/12/00.

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**January 11, 2000**

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

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**January 14, 2000**

Letter forwarded to parties directing them to proceed with discovery.

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**September 27, 2000**

Letter forwarded to parties requesting a status. Due 10/27/00.

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**October 27, 2000**

Faxed letter received from attorney for Plaintiff advising that discovery is ongoing.

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**October 27, 2000**

Letter received from attorney for Defendant advising that upon completion of depositions from Plaintiff they will be ready to

schedule the matter for trial.

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**October 30, 2000**

US Mail letter received from attorney for Plaintiff advising that discovery is ongoing.

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**March 12, 2001**

Motion to Compel Discovery filed by attorney for Defendant. Pltf.'s Response due **4/23/01**.

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**March 21, 2001**

Letter forwarded to parties requesting them to proceed with discovery.

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**April 12, 2001**

Faxed letter received from attorney for Plaintiff advising that the parties have resolved the discovery dispute at issue in Defendant's Motion to Compel and defense counsel has agreed that Plaintiff need not file a response and brief to the Motion.

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**May 29, 2001**

Motion to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 1, 2001**

Letter forwarded to Plaintiff directing them to file its response/brief within thirty(30) days as per the Board of Claims= Rules of Procedure.

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**July 2, 2001**

Plaintiff's Brief in Opposition to Defendant's Motion to Compel Discovery. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 16, 2001**

Reply to Plaintiff's Opposition to Defendant's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 20, 2001**

The Board rendered an Opinion and Order as follows: **AND NOW**, this 20th day of August, 2001, upon consideration of the motion to compel filed by Defendant on March 13, 2001 and the representation by counsel that the discovery issues had been resolved, **IT IS ORDERED** that the motion is moot and is therefore **DENIED**. **FURTHER**, upon consideration of the Motion to Compel filed by Defendant on May 29, 2001, the opposition filed by Plaintiff on July 2, 2001, and the reply from Defendant filed on July 16, 2001, **IT IS ORDERED** that the motion is **GRANTED INPART AND DENIED IN PART**. The motion is **GRANTED** as to Interrogatory 24 and Requests for Production 3, 15, 16, and 34-37 and Plaintiff is **ORDERED** 1) to file and serve a Statement Re Election To Pursue Delay Damages within 15 days of the exit date of this order, and 2) if plaintiff elects to pursue delay damages in this action, to provide further responses to Interrogatory 24 and Requests for Production 3, 15, 16, 34-37 by September 28, 2001. The motion is **DENIED** as to Interrogatories 30 and 31. Copy forwarded to attorney for Plaintiff and Defendant.

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**August 27, 2001**

Acceptance of Service of Opinion and Order dated August 20, 2001, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 23, 2001.

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**August 27, 2001**

Acceptance of Service of Opinion and Order dated August 20, 2001, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 24, 2001.

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**September 4, 2001**

Faxed letter received from attorney for Plaintiff advising that pursuant to Board's Order of August 20, 2001, it does not elect to pursue damages in the above-captioned matter. Copies forwarded to all parties of record by attorney for Plaintiff.

**September 6, 2001**

U. S. Mail letter received from attorney for Plaintiff advising that pursuant to the Board's Order of August 20, 2001, they do not elect to pursue delay damages in this case. Plaintiff reserves the right to pursue the recovery of delay damages against Defendant. Copies forwarded to all parties of record by attorney for Plaintiff.

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**October 3, 2001**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 3rd day of October 2001, upon consideration of the plaintiff's letter to the Board dated September 4, 2001, which responded to the Board's Order dated August 20, 2001, and which states that plaintiff does not elect to pursue delay damages in this action, **IT IS ORDERED** that plaintiff's claim for delay damages will not be litigated as an issue in this case and plaintiff is not compelled to provide discovery relating to the delay damages issue to the defendant. Copy forwarded to attorney for Plaintiff and Defendant.

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**October 10, 2001**

Acceptance of Service of Order dated October 3, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 8, 2001.

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**October 10, 2001**

Acceptance of Service of Order dated October 3, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 7, 2001.

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**March 5, 2002**

Letter forwarded to parties requesting a status report. Due April 5, 2002.

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**November 20, 2002**

Letter forwarded to parties requesting a status report.  
Response due 12/23/02.

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**December 20, 2004**

Plaintiff filed Praecipe to Settle and Discontinue. Copy forwarded to Defendant.

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**December 21, 2004**

Board issued an Order. Order as follows: **AND NOW**, this 21<sup>st</sup> day of December, 2004, upon receipt of Praecipe to Settle and Discontinue, advising the Board to "kindly mark the docket settled and discontinued with prejudice as to all parties, "executed by Robert J. Blumling, Esquire, attorney for Plaintiff, and docketed with this Board under date of December 20, 2004, it is **ORDERED** and **DIRECTED** that said be marked "closed, ended and discontinued with prejudice." Copy forwarded to all parties of record.

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**December 27, 2004**

Defendant filed Acceptance of Service of Order dated December 21, 2004. Receipt of same acknowledged December 23, 2004.

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