

Docket Number: 3136

M.C. PAINTING CORPORATION

~~Paul A. Bucco, Esquire~~  
~~William Krekstein, Esquire~~  
Robert D. Ardizzi, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~  
Gerald Schultz, Esquire

**March 22, 2000**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$73,519.53+.

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**March 30, 2000**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 5/1/00.

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**April 7, 2000**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 3, 2000.

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**April 7, 2000**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 3, 2000.

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**April 28, 2000**

Copy of Defendant's letter to Plaintiff confirming their conversation for a thirty (30) day extension of time for Defendant's Answer and New Matter to be filed.

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**June 2, 2000**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Plaintiff's response due July 3, 2000.

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**June 21, 2000**

Certificate of Service of Defendant's Interrogatories Directed to Plaintiff First Set filed attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 5, 2000**

Certificate of Service of Department's First Request for the Production of Documents served upon Plaintiff by Defendant.

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**July 7, 2000**

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

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**December 5, 2000**

Claimant M.C. Painting Corporation's Petition for Consolidation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. (Response due from Def. 1/20/01.

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**February 1, 2001**

Defendant Pennsylvania Department of Transportation Response to Plaintiff M.C. Painting's First Request for Production of Documents Directed to PennDOT filed by attorney for Defendant.

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**February 12, 2001**

Proposed Order, Claimant's Motion to Strike Responses to Request for Production of Documents and to Compel Discovery; Claimant's First Set of Requests for Production of Documents addressed to Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **(RESPONSE FROM DEF. 3/14/01.**

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**March 19, 2001**

Copy of Defendant's letter to Plaintiff advising that they have not withheld any documents.

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**June 29, 2001**

Letter forwarded to parties requesting a status report. Due 7/30/01.

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**July 9, 2001**

Letter received from attorney for Defendant advising that the parties are in the discovery phase of the litigation.

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**July 11, 2001**

Letter received from attorney for Plaintiff advising that the matter is nearing the conclusion of discovery. This case is consolidated with 2682. The only outstanding matter before the Board in this case is Defendant's Motion for a Protective Order. There are no other pre-trial motions currently pending in either case. Plaintiff advises that all remaining

discovery will be resolved within the next 60 days.

**September 21, 2001**

Certificate of Service of Defendant's Request for Admissions Directed to Plaintiff (First Set) filed by Defendant. Copy served upon Plaintiff by Defendant.

**January 4, 2002**

Letter forwarded to parties requesting a status report.

**February 7, 2002**

Letter received from attorney for Defendant advising that the parties are in discovery phase of litigation.

**September 19, 2002**

Letter forwarded to parties requesting a status report.  
RESPONSE DUE 10/18/02.

**October 10, 2002**

Letter received from attorney for Defendant advising that they are awaiting information that was requested from Plaintiff's counsel at the close of the deposition of Mr. Martin Columbaris, plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**March 27, 2003**

Letter forwarded to parties requesting a status report.  
Response due from parties 4-25-03.

**April 28, 2003**

Letter received from attorney for Defendant advising that they are awaiting the receipt of certain financial information from the Plaintiff. This information will provide the basis for a settlement. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**October 31, 2003**

Board issued letter to parties requesting a status report.  
Status Report due on or before November 30, 2003.

**November 21, 2003**

Defendant filed letter advising that the case is in the discovery phase of litigation. Defendant is awaiting production of certain documents and financial records of Plaintiff.

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**August 12, 2004**

Board issued status letter to parties.

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**August 19, 2004**

Letter received from Defendant advising that the case is in the discovery phase of the litigation. Defendant is awaiting certain documents and financial records of Plaintiff.

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**April 21, 2005**

Board issued letter to parties requesting a status report.

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**May 13, 2005**

Defendant filed letter/Status Report advising that the parties are in discovery. Copy forwarded to Plaintiff.

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**May 24, 2006**

Board issued letter to parties requesting a status.

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**May 31, 2006**

Plaintiff filed letter advising that the parties have reached an agreement in principle to settle this matter. Once the settlement is approved by Defendant the case will be dismissed. Copy forwarded to Defendant.

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**September 20, 2006**

Board issued letter to parties requesting a status report.

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**September 28, 2006**

Plaintiff filed letter advising that the settlement referenced in their May 2006, correspondence is still being reviewed by

Defendant. Copy forwarded to Defendant.

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**October 16, 2006**

Defendant filed a letter advising that the parties have reached a tentative agreement. Copy forwarded to Plaintiff.

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**April 18, 2007**

Board issued letter to parties requesting a Praecipe to Close and discontinue this case as settled, or an explanation as to why the case should not be closed.

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**April 26, 2007**

Plaintiff filed a letter stating that the parties have reached a settlement. They are currently waiting for the Defendant to make payment pursuant to the settlement agreement and they respectfully request this case be held open until the defendant completes the terms of settlement. Copy forwarded to defendant.

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**June 8, 2007**

Plaintiff filed letter that a settlement had been reached and completed and that the case should be dismissed. Copy forwarded to Defendant.

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**June 13, 2007**

Board issued Order. Order as follows: **"AND NOW**, this 13th day of June, 2007, upon receipt of a Praecipe executed by Robert D. Ardizzi, Esquire, on behalf of Plaintiff, M. C. Painting Corporation, informing the Board that these cases have been settled and requesting that the Board dismiss the case docketed with this Board under date of June 8, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

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**June 18, 2007**

Plaintiff filed Acceptance of Service of Order dated June 13, 2007. Receipt of same acknowledged on June 15, 2007.

