

Docket Number: 3271

**FARMER COMPANY**

Paula J. McDermott, Esquire  
Michael J. O'Connor, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES**

~~Gregory C. Santoro, Chief Counsel~~  
~~Jose E. Morales, Esquire~~  
~~Stephen J. Busterna, Esquire~~  
Alice Miller, Esquire  
Gerald R. Schultz, Assistant Counsel

**August 15, 2000**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$62,158.36+.

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**August 18, 2000**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 9/18/00.

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**August 25, 2000**

Acceptance of Service of Claim filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 23, 2000.

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**August 25, 2000**

Acceptance of Service of Claim filed by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 22, 2000.

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**December 12, 2000**

Praecipe to Enter Default Judgment filed by attorney for Plaintiff against attorney for Defendant. **RESPONSE DUE FROM DEF. 1/10/01.**

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**January 5, 2001**

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

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**January 24, 2001**

Answer with New Matter to New Matter and Counterclaim (Claimant's Response to New Matter). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 26, 2001**

Commonwealth of Pennsylvania, Department of General Services Response to Claimant's New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 29, 2001**

Letter forwarded to parties directing them to proceed with discovery.

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**August 6, 2001**

Letter forwarded to parties requesting a status. Due 9/6/01.

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**September 6, 2001**

Letter filed by attorney for Plaintiff advising that discovery is ongoing.

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**February 26, 2003**

Praecipe for withdrawal and entry of appearances filed by attorney for Defendant. Withdrawal (Morales) Entry (Busterna).

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**October 31, 2003**

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

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**February 4, 2004**

Defendant filed Praecipe for withdrawal of appearance of Stephen Busterna and entry of appearance of Alice Miller.

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**March 26, 2004**

Board issued a Scheduling Order. Order as follows: **AND NOW**, this 26th day of March 2004, it is hereby **ORDERED** and **DECREED** as follows: 1. All depositions and discovery shall be completed by June 1, 2004; 2. Pre-trial statements by both parties shall be filed with the Board and served upon one another no later than June 14, 2004, 3. A pre-trial conference is scheduled for Monday June 21, 2004, at 10:00 a.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 4. The last day for filing pre-trial motions is July 2, 2004; and 5. This matter is set for hearing before a panel hearing beginning on Monday, August 16, 2004, and running through Wednesday, August 18, 2004, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9.30 a.m. Copy forwarded to all parties of record.

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**April 8, 2004**

Plaintiff filed Acceptance of Service of Scheduling Order. Receipt of same acknowledged by Plaintiff April 5, 2004.

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**June 14, 2004**

Defendant filed Praecipe to enter Schultz as co-counsel in the above case. Copy forwarded to Plaintiff.

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**June 14, 2004**

Plaintiff filed Pre-Trial Statement. Copy forwarded to Defendant.

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**June 14, 2004**

Defendant filed Pre-Trial Statement. Copy forwarded to Plaintiff.

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**June 18, 2004**

Plaintiff filed Praecipe for entry of appearance of Michael J. O'Connor, Esquire as counsel on behalf of Farmer Company. Copy forwarded to Defendant.

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**June 22, 2004**

Board issued memo to Panel Members (Swartz and Kline) relative to the pretrial conference advising that the parties were instructed to file stipulations with the Board by July 9, 2004.

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**July 9, 2004**

Parties filed Stipulation. (Copies forwarded to Panel Members).

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**August 16, 2004**

Panel Hearing (Swartz and Kline) held in Board's Courtroom No. 2, at 200 North Third Street, 6<sup>th</sup> Floor, Harrisburg, PA 17101, commencing at 9:30 a.m. Case settled

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**September 9, 2004**

Testimony of Panel Hearing held August 16, 2004 filed. Copy forwarded to attorney for Defendant.

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**September 16, 2004**

Defendant filed Acceptance of Service of Testimony of hearing held August 16, 2004. Receipt of same acknowledged by attorney for Defendant September 15, 2004.

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**November 10, 2004**

Plaintiff filed a letter advising that the case was scheduled for trial in August 2004. Defendant agreed to settle this case

for \$60,000.00 within 60 to 90 days from trial date. Ninety days have passed and the Commonwealth has not settled. Further, Plaintiff requests that the case be rescheduled for trial at the Board's earliest convenience. **THIS LETTER WAS FILED WITH THE BOARD ON JANUARY 3, 2005.**

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**January 3, 2005**

Plaintiff filed a letter advising that settlement proceeds have not been received despite resolution of the case in August 2004. Further, Plaintiff requests the case be scheduled for trial at the Board's earliest convenience.

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**February 9, 2005**

Plaintiff filed a letter advising that the case was settled in August 2004, by agreeing to a sum of \$60,000.00 to be paid within a 60 to 90 day time frame. To date Plaintiff has not received a payment.

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**April 1, 2005**

Plaintiff filed a Praecipe to Settle, Discontinue and End With Prejudice. Copy forwarded to Defendant.

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**April 11, 2005**

Board issued an Order. Order as follows: **AND NOW**, this 11<sup>th</sup> day of April, 2005, upon receipt of a Praecipe to Settle, Discontinue and End with prejudice, executed by Michael J. O'Connor, Esquire, on behalf of Plaintiff, Farmer Company, requesting to ". . . Please mark the above case settled, discontinued and ended with prejudice.", docketed with this Board under date of April 1, 2005, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked "settled, discontinued and ended with prejudice. Copy forwarded to all parties of record.

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**April 18, 2005**

Plaintiff filed Acceptance of Service of Order. Receipt of same acknowledged by Plaintiff April 14, 2005.

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**April 25, 2005**

Defendant filed an Acceptance of Service of Order. Receipt of same acknowledged by Defendant April 22, 2005.

**C L O S E D**