

Docket Number: 3282

PAMELA P KRAMER d/b/a PPK ENTERPRISES

Edwin L. Stock, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~Gregory C. Santoro, Chief Counsel~~
Peter M. Good, Assistant Counsel

CLOSED

August 31, 2000*

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$2,300,000.00.

September 8, 2000

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 10/10/00.

September 13, 2000

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 11, 2000.

September 18, 2000

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 14, 2000.

October 5, 2000

Preliminary Objections and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Response due from Plaintiff November 13, 2000.**

***October 25, 2000**

Amended Claim filed by attorney for Plaintiff. Amount of Claim: unchanged.

October 26, 2000

Copy of Amended Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **Response due from Defendant 11/27/00.**

November 1, 2000

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 30, 2000.

November 6, 2000

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 1, 2000.

November 16, 2000

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

November 21, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of November, 2000, it is **ORDERED** and **DECREED** that Defendant=s, Commonwealth of Pennsylvania, Department of General Services, Preliminary Objections to Plaintiff's Claim are **MOOT** and said Preliminary Objections shall, therefore, be **DISMISSED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 14, 2000

Notice of Service of Plaintiff's Request for Production of Documents and Things Addressed to Defendant, Set 1, filed by attorney for Plaintiff.

December 15, 2000

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

December 19, 2000

Letter forwarded to parties directing parties to commence with discovery.

December 26, 2000

Notice of Service of Plaintiff=s Responses to Request for Production of Documents to Defendant filed.

January 19, 2001

Letter received from attorney for Plaintiff which was forwarded to attorney for Defendant confirming an agreement in which Plaintiff will file an Amended Claim.

****January 24, 2001**

Second Amended Claim filed by attorney for Plaintiff. Response due from Defendant February 26, 2001.

February 1, 2001

Acceptance of Service of Second Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 31, 2001.

February 16, 2001

Courtesy letter received from Defendant which was forwarded to Plaintiff outlining the discovery schedule.

February 22, 2001

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

March 12, 2001

Plaintiff's Answer to Defendant's New Matter to Plaintiff's Second Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 15, 2001

Letter forwarded to parties directing parties to commence with discovery.

April 25, 2001

Notice of Service of Plaintiff's Notice of Depositions for Doug Tinkey, Stan Richards and Joseph Nugent filed by attorney for Plaintiff.

June 21, 2001

Notice of Service of Plaintiff's Revised Notice of Depositions for Doug Tinkey and Joseph Nugent filed by attorney for Plaintiff.

July 30, 2001

Notice of Service of Notice of Depositions for Joseph Nugent, Don Parr, Kim Poretta and Joseph Kreiser filed by attorney for

Plaintiff.

August 6, 2001

Notice of Service of Plaintiff's Revised Notice of Depositions for Don Parr, Kim Poretta and Joseph Kreiser as well as Notices of Deposition for Kim Poretta and Diane Schultz filed by attorney for Plaintiff.

August 22, 2001

Notice of Service of Plaintiff's Notices of Deposition for Joseph Kreiser and Victor Banks filed by attorney for Plaintiff.

October 4, 2001

Letter received from attorney for Defendant advising that they served Defendant's Second Set of Interrogatories and Request for Production unto the Plaintiff.

October 16, 2001

Notice of Service of Plaintiff's Request for Production of Documents and Things Addressed to Defendant, Set II filed by attorney for Plaintiff.

November 1, 2001

Notice of Service of Plaintiff's Answers to Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services, to Plaintiff, Second Set filed by attorney for Plaintiff.

February 7, 2002

Letter forwarded to parties requesting status. Response due from parties March 7, 2002.

February 15, 2002

Letter received from attorney for Plaintiff advising that the parties are in discovery.

May 1, 2002

Letter received from attorney for Plaintiff requesting a hearing be set in this case.

May 2, 2002

Letter received from attorney for Defendant advising that contrary to Plaintiff's request for hearing, Defendant has not completed discovery and does not feel this case is in a position to set for hearing.

August 22, 2002

Letter received from attorney for Plaintiff requesting a hearing be set.

August 30, 2002

The Board rendered the following Order: **AND NOW**, this 30th day of August, 1999, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board's Panel, composed of Robert L. McLaughlin, Esquire, Panel Attorney, and James B. Wilson, P.E., Engineer Member, beginning on January 6, 2003 through January 8, 2003, if necessary. Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery be completed no later than forty-five (45) days prior to the commencement of the trial.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant. Pre-trial statements due December 6, 2002.

September 6, 2002

Acceptance of Service of Order dated August 30, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 9, 2002.

September 6, 2002

Acceptance of Service of Order dated August 30, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 4, 2002.

October 23, 2002

Status letter received from attorney for Defendant, via facsimile, advising that Plaintiff advised Defendant that they were changing the hearing set for January 6-8, 2003 as the time was inconvenient for Plaintiff.

October 28, 2002

Status letter received from attorney for Plaintiff advising that he was surprised by the contents of Mr. Busterna's letter dated October 23, 2002 and that at no time did counsel for Plaintiff request that this hearing be rescheduled. Counsel for Plaintiff disputes Mr. Busterna's contention that his September 17th letter or anything he has done constituted any requests for rescheduling.

October 29, 2002

Status letter received from attorney for Defendant advising that he interpreted from Plaintiff that Plaintiff wished to continue the hearing in this matter and that they assumed this matter was no longer scheduled for hearing January 6-8, 2003.

November 7, 2002

Letter received from attorney for Defendant advising that they need to postpone the hearing set for January 6-8, 2003 due to the unavailability of their expert witnesses.

November 12, 2002

Letter received via facsimile from attorney for Defendant regarding rescheduling the hearing for the week of February 18, 2003.

November 12, 2002

Notice of Service of Plaintiff's Answers and Objections to Defendant's Request for Production of Documents as well as Notice of Service of Plaintiff's Answers to Interrogatories filed by attorney for Plaintiff.

November 18, 2002

The Board rendered the following Order: **AND NOW**, this 18th day of November, 2002, it is **ORDERED** and **DECREED** that the hearing scheduled for January 6, 7, 8, 2003, has been rescheduled before the Board's Panel, composed of Richard B. Swartz, Esquire, Panel Attorney and James B. Wilson, P.E., Engineer Member, beginning on February 18, 2003 through February 20, 2003, if necessary. Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 am. It is further **ORDERED** and **DECREED** that all discovery be completed

no later than forty-five (45) days prior to the commencement of the trial.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 25, 2002

Acceptance of Service of Order dated November 18, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 21, 2002.

December 5, 2002

Acceptance of Service of Order dated November 18, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 2, 2002.

December 30, 2002

Letter received from attorney for Defendant advising that Defendant served their Request for Admissions unto Plaintiff.

January 17, 2003

Commonwealth of Pennsylvania, Department of General Services= Pre-Trial Statement as well as Defendant=s Expert Witness Disclosure filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 22, 2003

Plaintiff=s Pre-Trial Statement filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 23, 2003

Letter received from attorney for Defendant outlining how they will present their case at hearing.

February 18, 2003

Hearing continued due to inclement weather.

February 19, 2003

Panel Hearing (Messrs. Swartz and Wilson) held in Courtroom No. 1, 200 North Third Street, Harrisburg, Pa commencing at 9:30 a.m.

February 20, 2003

Panel Hearing (Messrs. Swartz and Wilson) held in Courtroom No. 1, 200 North Third Street, Harrisburg, Pa commencing at 9:30 a.m. Case Continued.

February 20, 2003

Plaintiff and Defendant filed Stipulations, First Set at time of hearing.

February 20, 2003

During hearing the Panel Members (Messrs. Swartz and Wilson) scheduled this case to be heard on February 25 & 28, 2003 in Courtroom No. 1, 200 North Third Street, Harrisburg, Pa commencing at 10:00 a.m. on February 25, 2003 and 9:30 a.m. on February 28, 2003.

February 25, 2003

Panel Hearing (Messrs. Swartz and Wilson) held in Courtroom No. 1, 200 North Third Street, Harrisburg, Pa commencing at 10:00 a.m. Case Completed.

March 18, 2003

Testimony of panel hearing held February 19, 2003 filed.

March 19, 2003

Copy of testimony of panel hearing held February 19, 2003 forwarded to attorney for Defendant.

March 21, 2003

Testimony of panel hearing held February 20, 2003 filed.

March 25, 2003

Copy of testimony of panel hearing held February 20, 2003 forwarded to attorney for Defendant.

April 7, 2003

Testimony of panel hearing held February 25, 2003 filed.

April 10, 2003

Copy of testimony of panel hearing held February 25, 2003 forwarded to attorney for Defendant. **Plaintiff's Findings of**

Fact, etc. due May 12, 2003.

May 1, 2003

Letter received from attorney for Plaintiff via fax requesting an extension of time until June 9, 2003 in which to file Plaintiff's Findings of Fact, Conclusions of Law and Brief.

May 5, 2003

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until June 9, 2003 in which to file Plaintiff's Findings of Fact, Conclusions of Law and Brief. **DUE June 9, 2003.**

May 2, 2003

Letter received from attorney for Plaintiff via U.S. Mail requesting an extension of time until June 9, 2003 in which to file Plaintiff's Findings of Fact, Conclusions of Law and Brief.

June 9, 2003

Plaintiff filed Findings of Fact, Conclusions of Law and Brief. Copy forwarded to Defendant.

August 5, 2003

Defendant filed Findings of Fact, Conclusions of Law and Brief. Copy forwarded to Plaintiff.

August 25, 2003

Plaintiff filed Reply Brief to Findings of Fact, Conclusions of Law and Brief in Support Thereof filed by Defendant.

September 2, 2003

Plaintiff filed letter requesting a settlement conference.

September 10, 2003

Defendant filed letter advising that Defendant does not feel a settlement conference has any chance of success and that any attempts at a conference would be a waste of time for all parties involved.

October 1, 2003

Defendant filed Rebuttal to Reply Brief of Plaintiff, Pamela P.

Kramer.

February 25, 2004

Panel Members (Messrs. Swartz and Wilson) filed Panel Report.

April 20, 2004

Board rendered Opinion and Order: AOrder as follows: **AND NOW**, this 20th day of April, 2004, the Baord of Claims hereby finds in favor of the Plaintiff, Pamela P. Kramer d/b/a PPK Enterprises and against the Defendant, Commonwealth of Pennsylvania, Department of General Services, in the amount of Two Hundred Forty-Nine Thousand Three Hundred and Ninety-Eight Dollars (\$249,398.00), with interest thereon at the legal rate of six percent (6%) per annum from July 1, 2000.@ Copy forwarded to Plaintiff and Defendant.

April 23, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated April 20, 2004. Receipt of same acknowledged April 22, 2004.

April 26, 2004

Defendant filed Acceptance of Service of Opinion and Order dated April 20, 2004. Receipt of same acknowledged April 21, 2004.