

Docket Number: 3352

BRACALENTE CONSTRUCTION, INC.

Paul A. Logan, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~  
~~Robert T. Kuntz, Assistant Counsel~~

CLOSED

**\*December 13, 2000**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$11,260.78+

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**December 15, 2000**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **Answer Due from Defendant January 16, 2001.**

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**January 16, 2001**

Preliminary Objections to Plaintiff=s Complaint and Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff=s Response/Brief due February 15, 2001.**

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**\*January 25, 2001**

Amended Complaint filed by attorney for Plaintiff. Amount of Claim Unchanged. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 31, 2001**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 31st day of January, 2001, it is **ORDERED** and **DECREED** that the Preliminary Objections as filed by the Defendant are hereby **DISMISSED** as being **MOOT**. It is further **ORDERED** and **DECREED** that the Defendant herein shall file their response to the Amended Complaint within thirty (30) days from the exit date of this Order.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 31, 2001**

Copy of Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General. **Defendant=s response to Amended Complaint due on or before March 2, 2001.**

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**February 6, 2001**

Acceptance of Service of Opinion and Order dated January 31, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 2001.

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**February 6, 2001**

Acceptance of Service of Amended Complaint received from

attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 2001.

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**February 9, 2001**

Acceptance of Service of Opinion and Order dated January 31, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 7, 2001.

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**February 13, 2001**

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 1, 2001.

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**March 2, 2001**

Defendant's Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Reply due on or before April 4, 2001.**

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**April 2, 2001**

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

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**April 24, 2001**

Notice of Service of Defendant's Answers and Objections to Plaintiff's Requests for Production of Documents filed by Defendant.

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**August 22, 2001**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 20, 2001.

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**November 6, 2001**

Letter forwarded to parties requesting a Status Report. Status Report due on or before December 6, 2001.

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**November 19, 2001**

Letter received from attorney for Defendant advising that the parties are involved in the scheduling of document productions on behalf of both sides and following same, further discovery will ensue. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 28, 2001**

Notice of Service of Defendant's First Request for the Production  
of Documents filed by attorney for Defendant.

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**December 4, 2001**

Letter received from attorney for Plaintiff advising that he agrees with Defendant's letter, that the parties are engaged in scheduling document production, and Plaintiff is contemplating that once the exchange of documents is complete, that depositions of parties will occur and the exchange of further written discovery.

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**June 13, 2002**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **July 15, 2002.**

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**July 12, 2002**

Letter received from attorney for Plaintiff advising that the exchange of discovery is being rescheduled at this time and they anticipate that the matter will be in a position for trial within the next 6 months.

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**February 5, 2003**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **MARCH 7, 2003.**

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**February 24, 2003**

Letter received from attorney for Plaintiff advising that it is anticipated that all remaining discovery by Plaintiff will be completed within the next three months and respectfully requests the Board consider scheduling this matter at its earliest convenience after June, 2003 and further suggests that a Panel may be appropriate.

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**April 29, 2003**

Defendant filed Notice of Service of Department's First Set of Interrogatories.

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**July 25, 2003**

Defendant filed Motion to Compel Answers to Interrogatories and Brief in Support. Copy forwarded to Plaintiff.

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**August 22, 2003**

Plaintiff filed Answer to Motion to Compel Discovery as well as Brief in Opposition to Motion to Compel Discovery. Copy forwarded to Defendant.

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**October 15, 2003**

Board issued Opinion and Order. Order as follows: **A AND NOW**, this 15th day of October, 2003, it is **ORDERED** and **DECREED** that Defendant's Motion to Compel Answers to Interrogatories is deemed **MOOT**. Copy forwarded to Plaintiff and Defendant.

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**October 31, 2003**

Plaintiff filed Acceptance of Service of Opinion and Order dated October 15, 2003. Receipt of same acknowledged October 29, 2003.

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**April 26, 2004**

Board issued letter to parties requesting a Status Report. Status Report due on or before May 24, 2004.

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**May 24, 2004**

Letter received from Plaintiff requesting the Board to issue a Scheduling Order. Copy forwarded to Defendant.

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**August 10, 2004**

Board forwarded letter to Plaintiff regarding scheduling this case for hearing.

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**September 22, 2004**

Plaintiff filed letter advising that the parties will be in a position to jointly request the Board for a hearing within the next 4-6 weeks.

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**September 24, 2004**

Defendant filed letter, via facsimile, advising that Defendant will not be ready to litigate this matter until the close of discovery which, to date, has not been completed. Copy forwarded to Plaintiff.

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**September 29, 2004**

Defendant filed letter, via U.S. Mail, advising that Defendant will not be ready to litigate this matter until the close of discovery which, to date, has not been completed. Copy

forwarded to Plaintiff.

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**October 12, 2004**

Plaintiff filed letter agreeing with Defendant's September 29, 2004 letter and advised that they will advise the Board of the completion of the discovery as soon as practical.

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**August 16, 2005**

Board forwarded letter to Plaintiff regarding scheduling a conference.

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**September 1, 2005**

Plaintiff filed letter advising that they are seeking to have this matter move forward.

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**September 7, 2005**

Board forwarded letter to parties requesting a proposed scheduling order.

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**September 26, 2005**

Plaintiff filed (via fax) a joint submission, on behalf of both parties, a proposed scheduling order.

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**September 26, 2005**

Plaintiff filed (via US mail) a joint submission, on behalf of both parties, a proposed scheduling order.

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**September 27, 2005**

Board rendered an Opinion and Scheduling Order. Order as follows: "**AND NOW**, this 27<sup>th</sup> day of September, 2005, it is hereby **ORDERED** and **DECREED** as follows: 1. All depositions and discovery shall be completed by November 30, 2005\*; 2. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than January 31, 2006 (Please note BOC R.P. 501(b) and (c)(3)); 3. A Pre-Trial Conference is scheduled for February 28, 2006, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7<sup>th</sup> Floor, Harrisburg, PA 17101; 4. The last day for filing Pre-Trial Motions is March 15, 2006\*; and 5. This matter is set for hearing beginning on May 1, 2006 and May 2, 2006, as necessary.

Said hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101, commencing at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

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**September 30, 2005**

Defendant filed Acceptance of Service of Scheduling Order dated September 27, 2005. Receipt of same acknowledged September 29, 2005.

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**October 5, 2005**

Plaintiff filed Acceptance of Service of Scheduling Order dated September 27, 2005. Receipt of same acknowledged October 3, 2005.

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**January 30, 2006**

Plaintiff filed letter via fax requesting an extension of time to file Pre-Trial Statements until February 3, 2006 either by fax or by email.

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**January 31, 2006**

Defendant filed letter via fax advising Board that there are no objections to the Plaintiff's request for an extension of time.

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**January 31, 2006**

Plaintiff filed Pre-Trial Statements via facsimile.

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**February 1, 2006**

Plaintiff filed letter via U.S. Mail requesting an extension of time to file Pre-Trial Statements until February 3, 2006 either by fax or by email.

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**February 1, 2006**

Defendant filed letter via U.S. Mail advising Board that there are no objections to the Plaintiff's request for an extension of time.

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**February 2, 2006**

Plaintiff filed Pre-Trial Statements via U.S. Mail. Copy forwarded to Defendant.

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**February 3, 2006**

Defendant filed Pre-Trial Statements via U.S. Mail. Copy forwarded to Plaintiff.

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**February 23, 2006**

Plaintiff filed letter advising Board that they have reached a tentative agreement. Copy forwarded to Defendant.

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**February 24, 2006**

Board canceled Panel Hearing which was scheduled for May 1-2, 2006 per Plaintiff's letter request.

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**June 6, 2006**

Board forwarded letter to parties requesting a praecipe to discontinue or explanation of why such praecipe cannot be filed.

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**June 22, 2006**

Plaintiff filed letter advising that although the parties have reached a tentative agreement as of this date, the payment promise from Defendant has not been made. Copy forwarded to

Defendant.

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**November 6, 2006**

Plaintiff filed Praecipe to Discontinue. Copy forwarded to Defendant.

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**November 8, 2006**

Board rendered Praecipe Order. Order as follows: **"AND NOW,** this 8<sup>th</sup> day of November, 2006, upon receipt of a Praecipe to Discontinue, executed by Paul A. Logan, Esquire, on behalf of Plaintiff, Bracalente Construction, Inc., requesting the Board to 'Please mark the above- referenced matter settled, discontinued and ended.' docketed with this Board under date of November 6, 2006, 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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**November 15, 2006**

Plaintiff filed Acceptance of Service of Order dated November 8, 2006. Receipt of same acknowledged November 13, 2006.

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**November 17, 2006**

Defendant filed Acceptance of Services of Order dated November 8, 2006. Receipt of same acknowledged on November 16, 2006.

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