

Docket Number: 3409

McMinn=s Asphalt, Inc,

~~David W. Francis, Esquire~~
Paul A. Logan, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
Department of Transportation
Robert T. Kuntz, Assistant Counsel

July 31, 2001

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$50,000.

August 9, 2001

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT [September 10, 2001.]

August 17, 2001

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 14, 2001.

August 30, 2001

Letter received from Defendant advising that Plaintiff is in agreement with an extension of time until October 10, 2001, in which to file their answer to Plaintiff's Complaint. DUE 10/10/01

October 9, 2001

Letter received from Defendant requesting an extension of time to file their Answer to Plaintiff's Claim. **RESPONSE DUE 11/9/01.**

November 9, 2001

Defendant's Answer and New Matter filed by attorney for Defendant. **RESPONSE DUE 12/12/01.**

November 30, 2001

Letter received from attorney for Plaintiff relative to subpoenas to produce documents or things for discovery pursuant to Rule 4009.22

December 3, 2001

Letter received from attorney for Plaintiff advising that counsel for Defendant has agreed to extend the due date of the required Answer to New Matter for thirty days until Jan 11, 2002.

February 11, 2002

Letter received from attorney for Plaintiff advising that the

parties are attempting to resolve this dispute through negotiated settlement.

August 14, 2002

Letter/Status Report forwarded to parties. Response due 9/16/02.

September 6, 2002

Letter received from attorney for Plaintiff advising that they will be filing its Answer to New Matter within the next couple of weeks and continue conducting discovery.

September 6, 2002

Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 filed by attorney for Plaintiff.

September 16, 2002

McMinn's Asphalt Co., Inc.'s Answer to New Matter filed by attorney for Plaintiff.

March 27, 2003

Notice of Service of Department's First Request for the Production of Documents filed by attorney for Defendant, served upon Plaintiff by attorney for Defendant.

October 31, 2003

Board issued letter to parties requesting a status. Status Report due on or before December 1, 2003.

November 5, 2003

Board issued letter requesting a Status Report. Status Report due on or before December 5, 2003.

November 25, 2003

Plaintiff filed letter/status advising that the parties are currently in the discovery phase. Once discovery is complete a trial date will be requested.

July 20, 2004

Board issued letter to parties requesting a status report.

August 20, 2004

Plaintiff filed letter advising that they are currently engaged in discovery. Once these depositions are completed, this matter may be scheduled for a hearing.

August 26, 2004

Defendant filed letter advising that discovery is ongoing. Once discovery is complete Defendant will notify the Board to schedule this matter for trial.

March 10, 2008

Plaintiff filed Praecipe to Discontinue.

March 11, 2008

Board issued Order. Order as follows: **"AND NOW**, this 11th day of March, 2008, upon receipt of a Praecipe executed by Paul A. Logan, Esquire, on behalf of Plaintiff, McMinn's Asphalt, Inc., requesting that the Board mark the above-captioned matter discontinued, docketed with this Board under date of March 10, 2008, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice."

March 31, 2008

Plaintiff filed Acceptance of Service of Order dated March 11, 2008. Receipt of same acknowledged on March 26, 2008.