

Docket Number: 3442

MUNCY MASONRY INC.

~~W. Jeffrey Yates, Esquire~~

David E. Phillips, President

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~Jose E. Morales, Esquire~~

~~Stephen J. Buscinda, Esquire~~

~~Alice Miller, Esquire~~

David L. Narkiewicz, Assistant Chief Counsel

Tanya C. Leshko, Esquire

December 25, 2001

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$57,857.65+.

December 27, 2001

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT JANUARY 28, 2002.**

January 4, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 31, 2001.

January 10, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 27, 2001.

January 24, 2002

Preliminary Objections to Plaintiff's Complaint and Brief in Support of Preliminary Objections filed by attorney for Defendant. **(Response due from Plaintiff 2/28/02)**

February 26, 2002

Copy of Plaintiff's letter to Defendant advising that they will take a ten day extension of time in which respond to the P.O.'s.

March 6, 2002

Plaintiff's Response to Respondent's Preliminary Objections filed by attorney for Plaintiff.

July 1, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 1st day of July, 2002, it is hereby **ORDERED** and **DECREED** that Defendant's Preliminary Objections are **DENIED**. Defendant is to file an Answer to Plaintiff's Claim within thirty (30) days of the exit date of this Order. Copies forwarded to attorney for Plaintiff and Defendant.

July 5, 2002

Acceptance of Service of Opinion and Order dated July 1, 2002, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 2, 2002.

July 26, 2002

Acceptance of Service of Opinion and Order dated July 1, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 1, 2002.

September 11, 2002

Answer With New Matter of Department of General Services to Complaint of Plaintiff filed by attorney for Defendant.

October 22, 2002

Plaintiff's Response to Defendant's New Matter and Plaintiff's New Matter filed by attorney for Plaintiff.

October 30, 2002

Board issued letter to Defendant directing its response to Plaintiff's New Matter.

November 1, 2002

Defendant filed Commonwealth of Pennsylvania, Department of General Services Response to Plaintiff's New Matter.

February 26, 2003

Defendant filed Praecipe for withdrawal of appearance of Jose E. Morales, Esquire for DGS.

February 26, 2003

Defendant filed entry of appearance of Stephen J. Busterna, Esquire as counsel for DGS.

October 31, 2003

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

November 13, 2003

Plaintiff filed Withdrawal of Appearance of W. Jeffrey Yates, Esquire as counsel.

November 24, 2003

Board issued letter to Defendant advising that if it was opposed to Plaintiff's Motion for Counsel to withdraw his appearance, a response was due within thirty (30) days from the date of service of the Board's letter.

July 21, 2004

Board issued letter to parties requesting a status report.

July 28, 2004

Defendant filed a letter advising that they never responded to Plaintiff's Motion for Counsel to withdraw his appearance. Defendant is unsure of whom they should carbon copy this letter.

May 27, 2005

Board issued letter to Plaintiff requesting to know if new counsel has been retained. If Plaintiff does not respond to the Board's letter the Board may dismiss the case.

July 28, 2005

Defendant filed Praecipe to Withdraw Appearance of Alice Miller, Esquire.

July 28, 2005

Defendant filed Praecipe to Enter Appearance of David L. Narkiewicz, Esquire and Tanya C. Leshko, Esquire.

November 5, 2008

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

May 8, 2009

Board issued Opinion and Order. Order as follows: "AND NOW, this 8th day of May, 2009, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity." Copies forwarded to Plaintiff and Defendant.

May 12, 2009

Defendant filed Acceptance of Service of Opinion and Order dated May 8, 2009. Receipt of same acknowledged by Defendant May 11, 2009.