

Docket Number: 3461

\* CONSOLIDATED WITH DOCKET NO. 3434 \*

COMMONWEALTH INSURANCE COMPANY, as subrogee of  
Sweeley's Roofing & Construction, Inc.

Roy S. Cohen, Esquire  
Jason A. Copley, Esquire

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Gregory C. Sanotero, Chief Counsel~~  
~~Jose Morales, Assistant Counsel~~  
~~Stephen J. Busterna, Assistant Counsel~~  
~~Alice Miller, Assistant Counsel~~

**\*February 28, 2002**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: in excess of \$87,514.18+

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**March 4, 2002**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT APRIL 3, 2002.

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**March 11, 2002**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 7, 2002.

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**March 11, 2002**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 11, 2002.

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**April 4, 2002**

Answer with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Reply due on or before May 6, 2002.**

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**May 2, 2002**

Reply of Claimant to Respondent's New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 3, 2002**

Commonwealth of Pennsylvania, Department of General Services' Motion to Consolidate (Nos. 3461 & 3434) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 28, 2002**

Response of Plaintiff, North Coast Commercial Roofing Systems of Pennsylvania, Inc to Commonwealth of Pennsylvania's Motion to Consolidate (Nos. 3434 & 3461) filed by attorney for Plaintiff in Docket No. 3434 (Edwin Hull, Esq. & Michael Betts, Esq.). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**\* July 31, 2002**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 31st day of July, 2002, upon consideration of Defendant's, Commonwealth of Pennsylvania, Department of General Services, Motion pursuant to Pa. R.C.P. 213(a) to consolidated Docket No. 3461 with Docket No. 3434; and Plaintiff's, North Coast Commercial Roofing Systems of Pennsylvania, Inc., response stating that it has no objection to this consolidation; and the lack of objection by Plaintiff, Commonwealth Insurance Company, as subrogee of Sweeley's Roofing & Construction, Inc., it is **ORDERED** that Docket Nos. 3461 and 3434 are consolidated for discovery and trial and all documents and/or pleadings filed herein shall be filed and docketed to Docket No. 3461. The request of Plaintiff, North Coast Commercial Roofing Systems of Pennsylvania, Inc., for leave to amend Docket No. 3434, to add the Department of General Services as a Defendant is hereby **GRANTED**." Copy forwarded to all attorneys of record.

**August 6, 2002**

Acceptance of Service of Opinion and Order dated July 31, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 5, 2002.

**August 7, 2002**

Acceptance of Service of Opinion and Order dated July 31, 2002 received from attorney for Plaintiff (North Coast Commercial). Receipt of same acknowledged by attorney for Plaintiff August 2, 2002.

**February 5, 2003**

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

**February 13, 2003**

Letter received from Defendant (DGS) advising that they are in the process of preparing a memorandum of law and believes that testimony will not be necessary as it appears to be a strict legal issue and the facts may be stipulated.

**February 26, 2003**

Praecipe to Withdraw Appearance of Jose E. Morales, Assistant Counsel as well as to Enter Appearance of Stephen J. Busterna, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant.  
Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**\*March 6, 2003**

Amended Statement of Claim, adding DGS as a Defendant in Docket No. 3434, filed by attorney for Plaintiff (North Coast). Amount of Claim: Unchanged

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**March 6, 2003**

Letter/Status Report received from attorney for Plaintiff (North Coast) advising that Plaintiff would like to discuss with Defendant the possibility of entering into stipulation that could obviate the need for trial; however, in the meantime, request that the matter be scheduled for trial.

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**March 12, 2003**

Copy of Amended Statement of Claim forwarded to attorney for Defendant, attorneys for Plaintiff (Commonwealth Insurance) and Chief Deputy Attorney General. Response due from Defendant April 1, 2003.

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**March 12, 2003**

Defendant's Answer to Amended Statement of Claim (of North Coast), filed by attorney for Defendant. Copies forwarded to attorneys for Plaintiffs by attorney for Defendant.

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**March 19, 2003**

Acceptance of Service of Amended Statement of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 14, 2003.

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**March 20, 2003**

Acceptance of Service of Amended Statement of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 18, 2003.

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**March 31, 2003**

Motion for Judgment on the Pleadings of Claimant Commonwealth Insurance Company, Memorandum of Law in Support of Claimant Commonwealth Insurance Company's Motion for Judgment on the Pleadings, as well as a Proposed Order, filed by attorney for Plaintiff in Docket No. 3461. Copy forwarded to all parties of record by attorney for Plaintiff (Commonwealth Ins. Co.)

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**April 2, 2003**

Department of General Services Response to Plaintiff CIC's Motion for Judgment on the Pleadings, Memorandum of Law in Support of its Response to Plaintiff's Motion for Judgment on the Pleadings, as well as a Proposed Order, filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**April 3, 2003**

Letter received from attorney for Plaintiff (North Coast #3461) advising of parties' agreement for Plaintiff to have an extension of time until, and including, April 25, 2003 in which to respond to Defendant's New Matter set forth in Defendant's Answer to Amended Statement of Claim and New Matter.

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**April 3, 2003**

Letter forwarded to attorney for Plaintiff (North Coast), with copy to all parties of record, granting its request for an extension of time until, and including, April 25, 2003, in which to respond to Defendant's New Matter set forth in Defendant's Answer to Amended Statement of Claim and New Matter.

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**April 15, 2003**

Reply of Commonwealth Insurance Company to Respondent's New Matter filed by attorney for Plaintiff (Commonwealth Ins. Co.). Copy forwarded to all parties of record by attorney for Plaintiff.

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**April 25, 2003**

Copy of letter received from attorney for Plaintiff (North Coast), directed to attorneys for Plaintiff (Commonwealth Ins.) and Defendants, confirming parties' agreement for a 30 day stay in view of settlement reached by the parties.

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**May 2, 2003**

Letter forwarded to attorney for Plaintiff (North Coast), with copy to attorney for Plaintiff (Commonwealth Ins.) and attorney for Defendants, granting the parties' request for a 30 day stay of proceedings pending a review of the settlement reached by the parties.

Status Report to be filed by parties on or before **June 2, 2003.**

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**June 2, 2003**

Plaintiff (North Coast) filed letter advising that the parties have entered into a settlement agreement that provides for a discontinuance of these proceedings upon transfer of funds by the Commonwealth, which is expected to occur prior to July 1, 2003. Copy forwarded to Plaintiff (Commonwealth Ins.) and Defendant.

**June 4, 2003**

Board issued letter to Plaintiff (North Coast), with copy to Plaintiff (Commonwealth Ins.) and Defendant, granting the Plaintiff's request for a continuance of the stay of proceedings pending the transfer of funds by Defendant per the settlement reached by the parties. Status Report to be filed by parties on or before **July 4, 2003.**

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**July 7, 2003**

Plaintiff (Cmwlth. Ins. Co) filed letter advising that the parties have entered into a settlement agreement that provides for the discontinuance of the Board proceedings and arrangements are being made for the check to be issued and the transfer of funds.

**February 5, 2004**

Board issued letter to parties requesting a Status Report. Status Report due on or before March 5, 2004.

**February 17, 2004**

Plaintiff (North Coast) filed letter advising that this matter may be properly regarded as closed. Copy forwarded to all parties.

**February 19, 2004**

Defendant filed Praecipe to Settle, Discontinue and End. Copy forwarded to all parties.

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**March 22, 2004**

Board issued Order. Order as follows: "AND NOW, this 22nd day of March, 2004, upon receipt of a letter-type Praecipe, advising that '. . . on behalf of Claimant, North Coast Commercial Roofing Systems of Pennsylvania, Inc., we regard the parties' settlement agreement as having been fully performed and implemented, and we therefore believe that this matter may be properly regarded by the Board of Claims as closed', executed by Michael J. Betts, Esquire, on behalf of Plaintiff, North Coast, docketed with this Board under date of February 17, 2004, as well as a Praecipe to Settle, Discontinue and End, requesting the Board to '. . . mark the above-referenced matters as it pertains to both Commonwealth Insurance Company and North Coast Commercial Roofing Systems of Pennsylvania, Inc. as Settled, Discontinued, and Ended with prejudice', executed by Anne Miller, Assistant Counsel, on behalf of Defendants, and docketed with this Board under date of February 17, 2004. It is ORDERED and DIRECTED that said cases be marked closed, withdrawn, and discontinued with prejudice'."

**March 29, 2004**

Plaintiff (North Coast) filed Acceptance of Service of Order dated March 22, 2004. Receipt of same acknowledged March 25, 2004.

**March 29, 2004**

Plaintiff (Cmwlth. Insurance) filed Acceptance of Service of Order dated March 22, 2004. Receipt of same acknowledged March 25, 2004.

**March 30, 2004**

Defendant filed Acceptance of Service of Order dated March 22, 2004. Receipt of same acknowledged March 24, 2004.

**April 2, 2004**

Plaintiff (North Coast - Edwin Hull, Esquire) filed Acceptance of Service of Order dated March 22, 2004. Receipt of same acknowledged March 29, 2004.