

*(CONSOLIDATED WITH DOCKET NUMBERS 3466, 3469, 3483, 3493, 3494,
3554, 3642 & 3568)

Docket Number: 3464

*AIRPORT INDUSTRIAL PARK, INC., d/b/a PEC CONTRACTING ENGINEERS

~~William D. Clifford, Esquire~~
~~Douglas C. LaSota, Esquire~~
~~Timothy R. Stevenson, Esquire~~
~~Samuel F. Reynolds, Jr., Esquire~~
~~Mr. Paul Chambers~~
~~Joseph E. Linchan, Esquire~~
~~Chad I. Michaelson, Esquire~~
~~Mr. Paul Chambers~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~Gregory C. Santoro, Chief Counsel~~
~~Elizabeth A. O'Reilly, Assistant Counsel~~
David L. Narkiewicz, Assistant Chief Counsel

March 11, 2002

Plaintiff filed Claim and filing fee filed. Amount of Claim: Unknown.

March 13, 2002

Board forwarded copy of Claim to attorney for Defendant and Chief Deputy Attorney General.

March 18, 2002

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General March 14, 2002.

March 18, 2002

Defendant filed Acceptance of Service of Claim. Receipt of same acknowledged by attorney for Defendant March 18, 2002.

April 12, 2002

Defendant filed Preliminary Objections to Plaintiff's Complaint as well as Brief in Support.

May 6, 2002

Plaintiff filed *Amended Complaint Pursuant to Pa. R.C.P. 1028(c)(1).

May 14, 2002

The Board rendered an Order. Order as follows: "**AND NOW**, this 14th day of May, 2002, it is **ORDERED** and **DECREED** that upon the filing of an Amended Complaint by Plaintiff, PEC Contracting Engineers, under docket date of May 6, 2002, the Preliminary Objections filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, under docket date of April 12, 2002, are hereby deemed **MOOT**. Defendant is directed to file its response to the Plaintiff's Amended Complaint within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 21, 2002

Plaintiff filed Acceptance of Service of Order dated May 14, 2002. Receipt of same acknowledged May 16, 2002.

August 1, 2002

Defendant filed Answer with New Matter and Counterclaim.

September 11, 2002

Board forwarded letter to parties requesting status.

September 24, 2002

Defendant filed Commonwealth of Pennsylvania, Department of General Services' Motion for Joint Discovery and Trial and Brief in Support.

November 21, 2002

The Board rendered an Order. Order as follows: "**AND NOW**, this 21st day of November, 2002, upon Motion of Respondent, Commonwealth of Pennsylvania, Department of General Services, for consolidation and no response having been received from Claimant, it is hereby **ORDERED** and **DECREED** that the matter be consolidated for discovery and trial with the following docketed matters 3466, 3469, 3483, 3493 and 3494." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 2, 2002

Plaintiff filed Acceptance of Service of Order dated November 21, 2002. Receipt of same acknowledged by attorney for Plaintiff November 25, 2002.

December 3, 2002

Defendant filed Acceptance of Service of Order dated November 21, 2002. Receipt of same acknowledged November 22, 2002.

February 11, 2003

(ALL) Board rendered an Amended Order. Amended Order as follows: "**AND NOW**, this 11th day of February, 2003, the Board, sua sponte, hereby amends its Order of the 21st of November, 2002, wherein the Board consolidated for discovery and trial docketed matters 3464, 3466, 3469, 3483, 3493 and 3494. It is further **ORDERED** that all documents and/or pleadings filed herein, shall be filed and docketed to Docket Number 3464. It is so **ORDERED**." Copy forwarded to all parties of record.

February 13, 2003

(ALL) Defendant filed Acceptance of Service of Amended Order dated February 11, 2003. Receipt of same acknowledged by attorney for Defendant February 12, 2003.

February 21, 2003

(ALL) Plaintiff (Old 3493 - Tomko) filed Acceptance of Service of Amended Order dated February 11, 2003. Receipt of same acknowledged February 19, 2003.

February 21, 2003

(ALL) Plaintiff (Old 3464 & 3469 - Airport) filed Acceptance of Service of Amended Order dated February 11, 2003. Receipt of same acknowledged February 18, 2003.

February 24, 2003

(Old 3466 - Tri-City) Airport filed an Answer and New Matter to Complaint to Join Additional Defendant.

February 24, 2003

(Old 3469 - Airport) Plaintiff filed Answer and New Matter of Counterclaim Defendant.

February 24, 2003

(Old 3464 - Airport) Plaintiff filed Answer and New Matter of Counterclaim Defendant.

March 3, 2003

(ALL) Plaintiff (Old 3466 - Tri-City) filed Acceptance of Service of Amended Order dated February 11, 2003. Receipt of same acknowledged February 25, 2003.

March 10, 2003

(ALL) Plaintiff (Old 3483 - Merit) filed Acceptance of Service of Amended Order dated February 11, 2003. Receipt of same acknowledged March 7, 2003.

March 24, 2003

(Old 3464 - Airport) Plaintiff filed Notice of Service of Plaintiff=s First Set of Interrogatories and First Request for Production of Documents Directed to Defendant, Commonwealth of Pennsylvania, Department of General Services.

March 24, 2003

(Old 3466 - Tri-City) Plaintiff filed Answer to New Matter to Complaint to Join Additional Defendant.

March 31, 2003

(Old 3494 - New Enterprise) Airport filed Answer and New Matter of Additional Defendant to Complaint to Join.

April 4, 2003

(Old 3464 - Airport) Defendant filed Commonwealth's Reply to Plaintiff=s New Matter to the Commonwealth's Counterclaim.

April 4, 2003

(Old 3466 - Tri-City) Defendant filed Commonwealth's Reply to Plaintiff=s New Matter to The Commonwealth's Complaint to Join Additional Defendant.

April 4, 2003

(Old 3469 - Airport) Defendant filed Commonwealth's Reply to Plaintiff's New Matter to The Commonwealth's Counterclaim.

April 7, 2003

(Old 3493 - Tomko) Plaintiff filed Reply of W.G. Tomko, Inc. to Answer and New Matter to Complaint to Join Additional Defendant.

April 7, 2003

(Old 3466 - Tri-City) Tomko filed Reply of W.G. Tomko, Inc. to New Matter of Additional Defendant, Airport Industrial Park, d/b/a PEC Contracting Engineers.

April 11, 2003

(ALL) Plaintiff (Old 3464 - Airport) filed a Motion to Schedule Hearing Date.

April 18, 2003

(Old 3494 - New Enterprise) Plaintiff filed Plaintiff's Reply to New Matter of Additional Defendant Airport Industrial Park.

April 28, 2003

(ALL) Tomko filed Reply of W.G. Tomko, Inc. to the Motion of Airport Industrial Park, d/b/a PEC Contracting Engineers' Motion to Schedule Hearing Date.

April 28, 2003

(Old 3466 - Tri-City) Plaintiff filed Reply of Tri-City Steel, Inc. to Answer and New Matter to Complaint to Join Additional Defendant.

April 28, 2003

(Old 3464, 3466, 3469, 3983, 3493, 3494) W.G. Tomko filed Reply to Motion of Airport's Motion to Schedule Hearing Date.

May 8, 2003

(ALL) Defendant filed Reply to Plaintiff's Motion to Schedule a Hearing and Brief Opposing Plaintiff's Motion to Schedule a Trial.

May 12, 2003

(ALL) Tri-City filed a Reply to the Motion of Airport Industrial Park, d/b/a PEC Contracting Engineers' Motion to Schedule a Hearing Date.

August 5, 2003

(Old 3494 - New Enterprise) Plaintiff filed Plaintiff's Motion to Compel Defendant to Respond Completely to Discovery Requests and Proposed Order.

September 5, 2003

(Old 3494 - New Enterprise) Defendant filed Commonwealth's Response to Plaintiff's Motion to Compel Discovery.

November 25, 2003

(Old 3494 - New Enterprise) Defendant filed Commonwealth's Objections to Subpoena Pursuant to Rule 4009.21.

December 3, 2003

(Old 3494 - New Enterprise) Plaintiff filed Plaintiff's Motion Pursuant to PA.R.CIV.P. 4009.21(d)(1) to Overrule Defendant's Objections to Subpoena upon Non-party and Brief in Support.

December 12, 2003

(Old 3466 - Tri-City) Defendant filed Commonwealth's Motion to Compel Discovery from Plaintiff, Tri-City Steel, Inc. and Brief in Support.

December 17, 2003

(Old 3483 - Merit) Defendant filed Commonwealth's Motion to Compel Discovery from Plaintiff, Merit Contracting, Inc. and Brief in Support.

January 14, 2004

(ALL) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 14th day of January, 2004, counsel for parties shall make themselves available for an organizational teleconference at 10:00 a.m. on January 30, 2004. Specific instructions with respect to the administration of the teleconference shall be provided by Board staff subsequently."

January 22, 2004

(ALL) Tomko filed Acceptance of Service of Opinion and Order dated January 14, 2004. Receipt of same acknowledged January 16, 2004.

January 26, 2004

(ALL) Airport filed Acceptance of Service of Opinion and Order dated January 14, 2004. Receipt of same acknowledged January 20, 2004.

January 26, 2004

(Old 3483 - Merit) Plaintiff filed Acceptance of Service of Opinion and Order dated January 14, 2004. Receipt of same acknowledged January 22, 2004.

January 26, 2004

(Old 3483 - Merit) Plaintiff filed Praecipe to withdraw appearance of Amy E. Bentz, Esquire and enter appearance of Kit F. Pettit, Esquire on behalf of Merit Contracting, Inc.

February 2, 2004

(Old 3464 - Airport) Plaintiff filed Notice of Service of Answers to Commonwealth of Pennsylvania, Department of General Service's Interrogatories to Airport Industrial Park.

February 2, 2004

(Old 3469 - Airport) Plaintiff filed Notice of Service of Answers to Commonwealth of Pennsylvania, Department of General Service's Interrogatories to Airport Industrial Park.

February 5, 2004

(Old 3464 - Airport) Plaintiff filed Notice of Service of Responses to DGS' Request for Production of Documents.

February 5, 2004

(Old 3469 - Airport) Plaintiff filed Notice of Service of Responses to DGS= Request for Production of Documents.

February 5, 2004

(Old 3466 - Tri-City) Airport filed Notice of Service of Airport=s Answers to DGS' Interrogatories.

February 12, 2004

(Old 3494 - New Enterprise) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 12th day of February, 2004, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Overrule Defendant's Objections to Subpoena upon Non-Party is hereby **GRANTED** and Plaintiff is hereby authorized to serve the Subpoena in accordance with Pa. R.C.P. 4009.22." Copy forwarded to ALL parties of record.

February 13, 2004

(ALL) Board rendered a Second Amended Consolidation Order: "**AND NOW**, this 13th day of February, 2004, the Board, sua sponte, hereby amends its Order of the 21st of November, 2002, and the 11th of February, 2003, wherein the Board consolidated for discovery and trial docketed matters 3464, 3466, 3469, 3483, 3493 and 3494 under consolidated Docket Number 3464. In the interest of improving the management of this consolidated case and furthering judicial economy, the November 21, 2002 Order, and the February 11, 2003 Order, are amended as follows: The cases originally docketed at 3464, 3466, 3469, 3483, 3493, and 3494 are to remain consolidated

for the purpose of discovery and decision under Docket No. 3464, Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers v. Commonwealth of Pennsylvania, Department of General Services. The respective pleadings in the individual actions consolidated hereby shall remain as the respective pleadings in the consolidated action, and separate findings shall be entered with regard to each original docketed action, (hereinafter referred to as "Old Docket No."), provided, however, that a single, unified judgment shall be entered for the consolidated case as a whole. Additionally, for the sake of case management, a separate hearing will be held for each Old Docket No., with the exception that Old Docket Nos. 3464, 3469 and 3466 shall be consolidated for hearing. For the purpose of clarity, the parties shall observe the following conventions: 1) ALL subsequent filings shall utilize the consolidated Case Caption and Docket Number; 2) ALL subsequent filings that relate only to activities in one or more (but not ALL) of the originally separate actions shall, in addition, display in parentheses in the caption a reference to the old docket number(s) and Plaintiff's name in the original actions(s), e.g. (Old Docket No. 3483 - Merit), or (Old Docket No. 3464 - Airport), or (Old Docket Nos. 3464, 3469, and 3466 - Airport, Airport, Tri-City), as the case may be; and 3) ALL subsequent filings that relate to activities in ALL of the originally separate cases shall, in addition, display in the caption the parenthetical notation A(ALL)". Copy forwarded to ALL parties of record.

February 17, 2004

(Old 3494 - New Enterprise) Plaintiff filed a Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22.

February 19, 2004

(Old 3494 - New Enterprise) Tomko filed Acceptance of Service of Opinion and Order dated February 12, 2004. Receipt of same acknowledged February 17, 2004.

February 19, 2004

(Old 3494 - New Enterprise) Defendant filed Acceptance of Service of Opinion and order dated January 13, 2004. Receipt of same acknowledged by Defendant January 14, 2004.

February 23, 2004

(Old 3494 - New Enterprise) Merit filed Acceptance of Service of Opinion and Order dated February 12, 2004. Receipt of same acknowledged February 19, 2004.

February 23, 2004

(ALL) Merit filed Acceptance of Service of Second Amended Consolidation Order dated February 13, 2004. Receipt of same acknowledged February 19, 2004.

February 25, 2004

(ALL) Tomko filed Acceptance of Service of Second Amended Consolidation Order dated February 13, 2004. Receipt of same acknowledged February 20, 2004.

March 1, 2004

(Old 3494 - New Enterprise) - Defendant filed Notice of Appeal from Board Order of February 12, 2004.

March 1, 2004

(Old 3494 - New Enterprise) Plaintiff filed Motion for Sanctions and to Compel, Brief in Support of Motion for Sanctions and to Compel and Proposed Order.

March 1, 2004

(Old 3494 - New Enterprise) Defendant filed Application to Amend Order to Include Statement Specified in 42 Pa.C.S. § 702(b).

March 2, 2004

(Old 3494 - New Enterprise) Defendant filed Acceptance of Service of Opinion and Order dated February 12, 2004. Receipt of same acknowledged February 13, 2004.

March 17, 2004

(ALL) Tri-City filed Acceptance of Service of Second Amended Consolidation Order dated February 13, 2004. Receipt of same acknowledged March 15, 2004.

March 31, 2004

(Old 3494 - New Enterprise) Defendant filed Reply to Plaintiff's Motion for Sanctions and to Compel and Brief.

April 1, 2004

(Old 3483 - Merit) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 1st day of April, 2004, it is **ORDERED** and **DECREED** that DGS' Motion to Compel Discovery is **GRANTED**. Merit is **GRANTED** fourteen (14) days from the date of this Order to answer written Interrogatories from DGS and to produce documents requested in the Request for Production of Documents. Defendant's request for attorneys' fees is denied at this time." Copy forwarded to ALL parties of record.

April 1, 2004

(Old 3466 - Tri-City) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 1st day of April, 2004, it is **ORDERED** and **DECREED** that DGS' Motion to Compel Discovery is **GRANTED**. Tri-City is **GRANTED** fourteen (14) days from the date of this Order to answer written Interrogatories from DGS and to produce documents requested in the Request for Production of Documents. Defendant's request for attorneys' fees is denied at this time." Copy forwarded to ALL parties of record.

April 7, 2004

(Old 3483 - Merit) Airport filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 5, 2004.

April 7, 2004

(Old 3466 - Tri-City) Airport filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 5, 2004.

April 12, 2004

(Old 3466 - Tri-City) Tomko filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 7, 2004.

April 12, 2004

(Old 3483 - Merit) Tomko filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 7, 2004.

April 13, 2004

(Old 3494 - New Enterprise) Plaintiff filed a Motion to Compel P.J. Dick, Inc. To Comply with Rules Governing Responses to Subpoenas Issued to Non-Parties, Brief in Support and Proposed Order

April 14, 2004

(Old 3466 - Tri-City) Plaintiff filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 8, 2004.

April 22, 2004

(Old 3483 - Merit) Plaintiff filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 16, 2004.

April 22, 2004

(Old 3466 - Tri-City) Merit filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 16, 2004.

April 26, 2004

(Old 3494 - New Enterprise) Plaintiff filed Supplement to Plaintiff's Motion for Sanctions and to Compel filed on March 1, 2004.

May 12, 2004

(Old 3494 - New Enterprise) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 12th day of May, 2004, it is **ORDERED** and **DECREED** as follows: 1. Defendant is **DIRECTED** to answer Plaintiff's Interrogatory Number 6 by providing the dates on which Defendant paid each of the PEC invoices identified within ten (10) days of the exit date of this Order; and 2. Defendant's objections to producing the documents identified on Defendant's Privilege Log are **OVERRULED**. Defendant is hereby **DIRECTED** to produce two sets of copies of these ten (10) items to the Board within fifteen (15) days of the exit date of this Order for in camera inspection by the Board. One set shall be complete and one set shall be redacted as Defendant would propose it be provided to Plaintiff." Copy forwarded to ALL parties of record.

May 12, 2004

(Old 3494 - New Enterprise) P.J. Dick, Inc. filed a Certificate of Compliance with Subpoena to Produce Documents or Things Pursuant to Rule 4009.23.

May 13, 2004

(Old 3483 - Merit) Defendant filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 2, 2004.

May 13, 2004

(Old 3466 - Tri-City) Defendant filed Acceptance of Service of Opinion and Order dated April 1, 2004. Receipt of same acknowledged April 2, 2004.

May 14, 2004

(Old 3494 - New Enterprise) Defendant filed Acceptance of Service of Opinion and Order dated May 12, 2004. Receipt of same acknowledged May 13, 2004.

May 17, 2004

(Old 3494 - New Enterprise) Airport filed Acceptance of Service of Opinion and Order dated May 12, 2004. Receipt of same acknowledged May 14, 2004.

May 19, 2004

(Old 3494 - New Enterprise) Tomko filed Acceptance of Service of Opinion and Order dated May 12, 2004. Receipt of same acknowledged May 17, 2004.

May 19, 2004

(Old 3494 - New Enterprise) Merit filed Acceptance of Service of Opinion and Order dated May 12, 2004. Receipt of same acknowledged May 14, 2004.

May 20, 2004

(Old 3494 - New Enterprise) Defendant filed an Excel Spreadsheet showing the dates of payment to PEC, per Board's Order.

May 27, 2004

(Old 3494 - New Enterprise) Defendant filed 2 sets of the 10 documents identified in DGS' Privilege Log, per Board's Order.

June 4, 2004

(Old 3464 & 3469 - Airport) Plaintiff filed Motion for Partial Summary Judgment on the Issue of Termination for Convenience and Brief in Support.

June 16, 2004

(Old 3494 - New Enterprise) Defendant filed a letter requesting the Board to forward this case to the Commonwealth Court, pursuant to PA Rule of Appellate Procedure 905(b).

June 25, 2004

(Old 3494 - New Enterprise) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th day of June, 2004, it is **ORDERED** and **DECREED** that certain statements in Items 1 to 5 and 8 of Defendant's Privilege Log as enumerated in this Opinion are determined to be privileged. Defendant is instructed to forward such items in the redacted form prescribed herein to Plaintiff within ten (10) days of the exit date of this Order. Items 6, 9A and 9B of Defendant's Privilege Log consisting of handwritten notes taken at a Department hearing are privileged and Plaintiff's motion to produce as to these items is **DENIED**. Items 7 and 10 consisting of notes hearing testimony stenographically recorded are not protected by privilege and Defendant is instructed to forward copies to Plaintiff within ten (10) days of the exit date of this Order." Copy forwarded to all parties of record.

June 28, 2004

(Old 3494 - New Enterprise) Board forwarded file to Commonwealth Court.

June 29, 2004

(Old 3494 - New Enterprise) Defendant filed a Motion to Transfer Notice of Appeal to Commonwealth Court.

June 30, 2004

(Old 3494 - New Enterprise) Commonwealth Court returned file.

June 30, 2004

(Old 3494 - New Enterprise) Airport Industrial Park filed Acceptance of Service of Opinion and Order dated June 25, 2004. Receipt of same acknowledged June 28, 2004.

July 1, 2004

(Old 3494 - New Enterprise) DGS filed Acceptance of Service of Opinion and Order dated June 25, 2004. Receipt of same acknowledged June 28, 2004.

July 6, 2004

(Old 3494 - New Enterprise) W.G. Tomko filed Acceptance of Service of Opinion and Order dated June 25, 2004. Receipt of same acknowledged June 30, 2004.

July 6, 2004

(Old 3494 - New Enterprise) Merit filed Acceptance of Service of Opinion and Order dated June 25, 2004. Receipt of same acknowledged July 2, 2004.

July 6, 2004

(Old 3464 & 3469 - Airport) Defendant filed Response to Plaintiff's Motion for Partial Summary Judgment and Opposing Brief.

July 15, 2004

(Old 3494 - New Enterprise) Defendant filed discovery documents with redactions as directed by the Board's Order of June 25, 2004.

July 19, 2004

(Old 3493 - Tomko) Defendant filed Certificate of Service of Department's Interrogatories served on Tomko.

July 22, 2004

(Old 3464 & 3469 - Airport) Plaintiff filed Reply Brief to Defendant's Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment.

August 4, 2004

(Old 3464 & 3469 - Airport) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 4th day of August, 2004, upon Plaintiff's Motion for Partial Summary Judgment on the Issue of Termination for Conveniences, it **ORDERED** and **DECREED** that Plaintiff's Motion is **DENIED**." Copy forwarded to all parties of record.

August 9, 2004

(Old 3494 - New Enterprise) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 9th day of August, 2004, pursuant to Pennsylvania Rule of Appellate Procedure 313(a) the Board hereby transfers Defendant, Commonwealth of Pennsylvania, Department of General Services' March 1, 2004 Notice of Appeal to the Commonwealth Court for the Courts consideration." Copy forwarded to all parties of record.

August 11, 2004

(Old 3464 & 3469 - Airport) Merit filed Acceptance of Service of Opinion and Order dated August 4, 2004. Receipt of same acknowledged August 6, 2004.

August 11, 2004

(Old 3464 & 3469 - Airport) W.G. Tomko filed Acceptance of Service of Opinion and Order dated August 4, 2004. Receipt of same acknowledged August 9, 2004.

August 12, 2004

(Old 3464 & 3469 - Airport) Airport filed Acceptance of service of Opinion and Order dated August 4, 2004. Receipt of same acknowledged August 10, 2004.

August 13, 2004

(Old 3494 - New Enterprise) Merit filed Acceptance of Service of Opinion and Order dated August 9, 2004. Receipt of same acknowledged August 11, 2004.

August 16, 2004

(Old 3494 - New Enterprise) Airport filed Acceptance of Service of Opinion and Order dated August 9, 2004. Receipt of same acknowledged August 10, 2004.

August 18, 2004

(Old 3494 - New Enterprise) Tomko filed Acceptance of Service of Opinion and Order dated August 9, 2004. Receipt of same acknowledged August 14, 2004.

August 18, 2004

(Old 3494 - New Enterprise) Board forwarded file to Commonwealth Court.

August 30, 2004

(Old 3464 & 3469 - Airport) DGS filed Acceptance of Service of Opinion and Order dated August 4, 2004. Receipt of same acknowledged August 10, 2004.

August 30, 2004

(Old 3494 - New Enterprise) DGS filed Acceptance of Service of Opinion and Order dated August 9, 2004. Receipt of same acknowledged August 10, 2004.

October 4, 2004

(Old 3494 - New Enterprise) Commonwealth Court issued an Opinion and Order. Order as follows: "AND NOW, September 30, 2004, following argument on the appealability and finality of the trial court's order in the above-captioned appeal, the Court having concluded that the particular order in question is interlocutory and does not presently qualify as a collateral order pursuant to Pa. R.A.P. 313,¹ the appeal is QUASHED as interlocutory. (¹ - To use the words of counsel for the Department of General Services, we do not concur that the particular facts of this case support counsel's contention that the discovery "barn door is open," nor that the right to appeal will be irretrievably lost if the appeal is not allowed, given that the material has already been produced and appellant could pursue this issue following issuance of a final order in this matter.)"

November 22, 2004

(Old 3494 - New Enterprise) Commonwealth Court returned file.

May 27, 2005

(ALL) Board forwarded letter to parties requesting a Status Report.

June 2, 2005

(Old 3494 - New Enterprise) Plaintiff filed a letter requesting either a hearing be scheduled or a status conference be held.

June 13, 2005

(Old 3466 - Tri-City) Plaintiff filed letter advising that they are in agreement with Attorney Milakovic's letter requesting a hearing date be set.

June 16, 2005

(Old 3466 - Tri-City) Defendant filed Praecipe to withdraw appearance of Elizabeth A. O'Reilly, Esquire, on behalf of Defendant.

June 17, 2005

(Old 3466 - Tri-City) Defendant filed Praecipe to enter appearance of David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant.

June 17, 2005

(Old 3464 - Airport) Defendant filed Praecipe to withdraw appearance of Elizabeth A. O'Reilly, Esquire and enter appearance of David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant.

June 17, 2005

(Old 3469 - Airport) Defendant filed Praecipe to withdraw appearance of Elizabeth A. O'Reilly, Esquire and enter appearance of David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant.

June 17, 2005

(Old 3483 - Merit) Defendant filed Praecipe to withdraw appearance of Elizabeth A. O'Reilly, Esquire and enter appearance of David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant

June 17, 2005

(Old 3493 - Tomko) Defendant filed Praecipe to enter appearance of David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant.

June 17, 2005

(Old 3494 - New Enterprise) Defendant filed Praecipe to withdraw appearance of Elizabeth A. O'Reilly, Esquire and enter appearance of David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant.

June 22, 2004

(Old 3493 - Tomko) Plaintiff filed letter advising that Plaintiff is awaiting the scheduling of a status conference.

June 29, 2005

(ALL) Board rendered an Order. Order as follows: "**AND NOW**, this 29th day of June, 2005, pursuant to the request of New Enterprise Stone & Lime, Co., Inc., one of the plaintiffs in this consolidated case, it is **ORDERED** that a status conference shall be held on July 7, 2005, at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101, commencing at 2:00 p.m. Any party may participate by teleconference provided that a party wishing so to participate contacts the Board at least seven (7) days prior to the conference and places the teleconference call as the Board directs." Copy forwarded to all parties of record.

July 5, 2005

(ALL) Defendant filed Acceptance of Service of Order dated June 29, 2005. Receipt of same acknowledged June 30, 2005.

July 5, 2005

(ALL) Defendant filed a letter requesting the Board to consolidate 18 cases before the Board regarding the Fayette SCI litigation.

July 7, 2005

(ALL) Board held status conference at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 2:00 p.m.

July 7, 2005

(ALL) Plaintiff (Old 3493 - Tomko) filed Acceptance of Service of Order dated June 29, 2005. Receipt of same acknowledged July 5, 2005.

July 11, 2005

(ALL) Plaintiff (Old 3464 - Airport) filed Acceptance of Service of Order dated June 29, 2005. Receipt of same acknowledged July 6, 2005.

July 11, 2005

(ALL) Plaintiff (Old 3464 & 3469 - Airport) filed Petition by Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers' Counsel to Withdraw Appearance and Proposed Order.

August 3, 2005

Board forwarded letter to parties requesting comments regarding case management and scheduling.

August 16, 2005

(ALL) Defendant filed letter with Defendant's comments regarding case management and scheduling.

August 16, 2005

(Old 3494 - New Enterprise) Plaintiff filed letter with Plaintiff's comments regarding case management and scheduling.

November 16, 2005

(ALL) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 16th day of November, 2005, for the reasons stated above, the current consolidation of cases under Docket No. 3464 will stand as is, and the Board will not consolidate further the above-captioned cases either for the purpose of discovery or hearing, nor will it bifurcate hearings for the purpose of liability and damages. We will reserve the decision on whether or not to further consolidate one or more of these cases for the purpose of judgment for the reasons stated, and may reconsider same at a later date upon motion of one or more of the parties. Finally, it is **ORDERED** and **DECREED** that the following unified discovery schedule and status conference is set for each of the above-captioned cases: Last day for plaintiffs to provide expert reports to defendant and to file same with the Board - June 30, 2006; Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board - August 15, 2006; Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board - September 15, 2006; Completion of all depositions and other discovery - October 15, 2006; Status conference for all cases in Board of Claims' Courtroom No. 1 beginning at 1:00 p.m. - October 25, 2006." Copy forwarded to all parties of record.

November 21, 2005

Defendant filed Acceptance of Service of Opinion and Order dated November 16, 2005. Receipt of same acknowledged November 18, 2005.

November 30, 2005

(Old 3686) L.C. Whitford Company, Inc. filed Praecipe to Discontinue.

March 9, 2006

(ALL) Defendant filed courtesy copy of letter addressed to all Plaintiff counsel in the Fayette County cases regarding the requests for electronic files.

March 15, 2006

(ALL) Department of Treasury, Internal Revenue Service filed a

Notice of Levy against Airport Industrial Park, d/b/a PEC Contracting Engineers.

May 2, 2006

(ALL) Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 2nd day of May, 2006, it is **ORDERED** and **DECREED** that the following modified unified discovery schedule and status conference is set for each of the above-captioned cases: Last day for plaintiffs to provide expert reports to defendant and to file same with the Board - July 31, 2006; Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board - September 15, 2006; Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board - October 15, 2006; Completion of all depositions and other discovery - October 15, 2006; Status conference for all cases in Board of Claims' Courtroom No. 1 beginning at 1:00 p.m. - October 25, 2006." Copy forwarded to all parties of record.

May 9, 2006

(ALL) Defendant filed Acceptance of Service of Opinion and Order dated May 2, 2006. Receipt of same acknowledged May 3, 2006.

July 21, 2006

(ALL) Airport filed Motion for Additional Time to Obtain, Serve and File Expert's Report.

July 21, 2006

(ALL) Airport filed (via fax) Praecipe to Enter Appearance of Samuel F. Reynolds, Jr., Esquire, on behalf of Airport.

July 24, 2006

(ALL) Airport filed (via U.S. Mail) Praecipe to Enter Appearance of Samuel F. Reynolds, Jr., Esquire, on behalf of Airport.

July 25, 2006

Board rendered opinion and order. Order as follows: **"AND NOW**, this 25th day of July, 2006, it is **ORDERED** and **DECREED** that the following modified unified discovery schedule and status conference is set for each of the above-captioned cases: Last day for plaintiffs to provide expert reports to defendant and to file same with the Board October 15, 2006 Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board December 15, 2006 Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board January 15, 2007 Completion of all depositions and other discovery January 15, 2007 Status conference for all cases in Board of Claims' Courtroom No. 1 beginning at 10:00 a.m. January 25, 2007." Copy forwarded to Plaintiff and Defendant.

July 31, 2006

(Old 3568) Plaintiff filed Expert Report of Maxeiner & Associates.

July 31, 2006

(ALL) Plaintiff filed Acceptance of Service of Opinion and Order dated July 25, 2006. Receipt of same acknowledged July 27, 2006.

August 3, 2006

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 3rd day of August, 2006, the motions for reconsideration and/or severance are **DENIED.**" Copies forwarded to all parties of record.

August 4, 2006

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2006. Receipt of same acknowledged July 27, 2006.

September 8, 2006

(Old 3493 - W.G. Tomko) Plaintiff filed praecipe for appearance entering appearance of Renee Colbert, Esquire, on behalf of Plaintiff.

October 12, 2006

(Old 3642) Plaintiff filed Expert Report of Warner.

October 12, 2006

(Old 3631) Plaintiff filed Expert Report of Warner.

October 16, 2006

(ALL) Plaintiff filed (via fax) Expert Report of John Hays

October 18, 2006

(ALL) Plaintiff filed (via U.S. Mail) Expert Report of John Hays.

October 30, 2006

(Old 3643 into 3910) Plaintiff filed Expert Report of VSM, Inc.

November 13, 2006

(Old 3493 – W.G. Tomko) Plaintiff filed status report advising that Plaintiff anticipates mediation will take place and this claim will be resolved before the end of the 2006 calendar year.

December 13, 2006

(ALL) Defendant filed (via fax) letter requesting the Board stay the Fayette county matters for sixty days.

December 14, 2006

(ALL) Board rendered an Order. Order as follows: **"AND NOW**, this 14th day of December, 2006, it is **ORDERED** and **DECREED** that pursuant to Defendant's letter request dated December 13, 2006, an immediate stay is entered in all captioned cases as of today for sixty days. All current case deadlines are extended sixty days and the status conference will be rescheduled. The new deadlines are as follows: Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board February 12, 2007; Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board March 12, 2007; Completion of all depositions and other discovery March 12, 2007." Copy forwarded to all parties of record.

December 18, 2006

(Old 3464 and 3469) Plaintiff filed Acceptance of Service of Order

dated December 14, 2006. Receipt of same acknowledged December 14, 2006.

December 18, 2006

(ALL) Defendant filed Acceptance of Service of Order dated December 14, 2006. Receipt of same acknowledged December 15, 2006.

December 20, 2006

(ALL) Defendant filed Acceptance of Service of Order dated December 14, 2006. Receipt of same acknowledged December 19, 2006.

February 15, 2007

(Old 3494 - New Enterprise) Plaintiff filed letter advising that the parties have settled and requesting that they do not receive any further communication regarding all Fayette county cases.

February 15, 2007

(ALL) Airport filed letter (via fax) advising that Airport joins the request of Amthor Steel for an extension of the discovery and rebuttal reports deadline.

February 15, 2007

(ALL) Defendant filed letter requesting that the Board extend the discovery deadline until May 11, 2007.

February 16, 2007

(Old 3642) Plaintiff filed Supplemental & Rebuttal Expert Report of Wagner, Hohns, Inglis, Inc.

February 16, 2007

(Old 3631) Plaintiff filed Supplemental & Rebuttal Expert Report of Wagner, Hohns, Inglis, Inc.

February 16, 2007

Board rendered Amended Order. Order as follows: **"AND NOW,** this 16th day of February, 2007, it is **ORDERED** and **DECREED** that pursuant

to letter requests dated February 12, 2007, from Amthor Steel and February 15, 2007, from DGS and Airport Industrial Park, all current case deadlines are extended as outlined below. This is the last discovery extension that will be granted by this Board. The final revised deadlines are as follows: Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board, March 12, 2007; Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board, April 30, 2007; Completion of all depositions and other discovery, May 11, 2007; Additionally, counsel for the remaining parties are to advise the Board in writing of any days or times they cannot be available for a status conference during the week of June 18-22, 2007, within 10 days of the exit date of this Order." Copy forwarded to all parties of record.

February 20, 2007

Plaintiff filed letter advising that they join Amthor Steel's request for an extension of the discovery and rebuttal reports deadline.

February 20, 2007

(ALL) Merit filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 19, 2007.

February 16, 2007

(ALL) LC Whitford filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 16, 2007.

February 22, 2007

(ALL) Defendant filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 20, 2007.

February 22, 2007

(ALL) Airport filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 16, 2007.

February 22, 2007

(ALL) Amthor filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 19, 2007.

February 26, 2007

(ALL) Limbach filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 22, 2007.

March 1, 2007

(ALL) Pro-Spec filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 23, 2007.

March 2, 2007

(ALL) Penn Development filed Acceptance of Service of Order dated February 16, 2007. Receipt of same acknowledged February 23, 2007.

March 12, 2007

Board rendered Order. Order as follows: "AND NOW, this 12th day of March, 2007, it is **ORDERED** and **DECREEED** that a status conference to discuss a timetable for hearings and case management issues will be held at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 on June 20, 2007 at 1:00 p.m. Any party may participate by teleconference provided that a party wishing to do so contacts the Board for instructions at least seven days prior to the conference and places the teleconference call as the Board directs." Copy forwarded to all parties of record.

March 16, 2007

(ALL) Harris Masonry filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 14, 2007.

March 16, 2007

(ALL) Airport filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 14, 2007.

March 16, 2007

(ALL) Limbach filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 15, 2007.

March 19, 2007

(ALL) Merit Contracting filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 15, 2007.

March 19, 2007

(ALL) Penn Development filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 14, 2007.

March 19, 2007

(ALL) Defendant filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 15, 2007.

March 22, 2007

(ALL) W.G. Tomko filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 20, 2007.

March 22, 2007

(ALL) Penn Development filed letter advising that they are available for a status conference during the week of June 18-22, 2007.

April 27, 2007

(ALL) Airport filed (via fax) Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition.

April 30, 2007

(ALL) Defendant filed (via fax) Response to Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition.

April 30, 2007

(ALL) Defendant filed (via U.S. mail) Response to Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition.

April 30, 2007

(ALL) Airport filed (via U.S. mail) Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition.

April 30, 2007

(ALL)Board rendered an Order. Order as follows: "**AND NOW**, this 30th day of April, 2007, the emergency motion of Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers, to allow counsel for all parties to attend and participate in deposition of DGS's expert on the morning of April 30, 2007, or alternatively, to quash deposition, is hereby **DENIED**. The motion is not properly filed and is also **MOOT**. This Order is issued without prejudice to a

subsequent motion of any party seeking deposition of another's expert for cause shown pursuant to the Pennsylvania Rules of Civil Procedure." Copy forwarded to all parties of record.

April 30, 2007

(ALL) Airport filed (via fax) the Rebuttal Expert Report of John Hays dated April 29, 2007.

April 30, 2007

(Old 3483) Merit filed Praecipe to Mark Settled and Discontinued and Ended.

May 2, 2007

(Old 3483) Board rendered Order. Order as follows: "**AND NOW**, this 2nd day of May, 2007, upon receipt of a praecipe executed by Kit F. Pettit, Esquire, on behalf of Plaintiff, Merit Contracting, Inc., requesting that the Board mark the above-captioned matter settled, discontinued and ended docketed with this Board under date of April 30, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended, with prejudice regarding the claim of Merit Contracting, Inc. against DGS only. The action by DGS against Airport Industrial Park d/b/a PEC Contracting Engineers will continue in the above docket." Copy forwarded to Plaintiff, Defendant and Additional Defendant.

May 2, 2007

(ALL) Defendant filed Acceptance of Service of Order dated April 30, 2007. Receipt of same acknowledged May 1, 2007.

May 3, 2007

(ALL) Airport filed (via U.S. Mail) the Rebuttal Expert Report of

John Hays dated April 29, 2007.

May 4, 2007

(ALL) Airport filed Acceptance of Service of Order dated April 30, 2007. Receipt of same acknowledged May 2, 2007.

May 4, 2007

(ALL) Limbach filed Acceptance of Service of Order dated April 30, 2007. Receipt of same acknowledged May 1, 2007.

May 7, 2007

(Old 3643) Plaintiff filed Report Schedule and Labor Inefficiencies of Frank W. Versaw.

May 11, 2007

(ALL) DGS filed letter advising Board of current status of the cases.

May 24, 2007

(Old 3494) New Enterprise filed Praecipe to Mark Settled and Discontinued and Ended.

May 29, 2007

(Old 3494) Board rendered Order. Order as follows: **"AND NOW**, this 29th day of May, 2007, upon receipt of a praecipe executed by John G. Milakovic, Esquire, on behalf of Plaintiff, New Enterprise Stone & Lime Company, Inc., requesting that the Board please mark the above-captioned action settled, discontinued and ended with prejudice, docketed with this Board under date of May 24, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice regarding the claim of New Enterprise Stone & Lime Company, Inc. against DGS only. The action by DGS against Airport Industrial Park d/b/a PEC Contracting Engineers will continue in the above docket." Copy forwarded to Plaintiff, Defendant and Additional Defendant.

June 21, 2007

(Old 3493 W.G. Tomko, Inc.) Plaintiff filed Praecipe to Withdraw Appearances of Jason A. Copely, Esquire and Lisa M. Wampler and the law firm of Cohen, Seglias, Pallas, Greenhall & Furman as counsel for Plaintiff.

June 20, 2007

(ALL) Board held status conference at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m.

June 27, 2007

(Old 3466 Tri-City) Plaintiff filed Praecipe to Mark Settled and Discontinued and Ended Tri-City against DGS only.

June 27, 2007

(Old 3466-Tri-City) Board rendered Order. Order as follows: **"AND NOW**, this 27th day of June, 2007, upon receipt of a praecipe executed by Lawrence J. Maiello, Esquire, on behalf of Plaintiff, Tri-City Steel, Inc., requesting that the Board kindly mark the above-captioned docket settled, discontinued and ended with prejudice pursuant to BOC R.P. 702 against Tri-City only, docketed with this Board under date of June 27, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended, with prejudice regarding the claim of Tri-City Steel, Inc. against DGS only. The action by DGS against Airport Industrial Park d/b/a PEC Contracting Engineers will continue in the above docket." Copy forwarded to all parties of record.

June 28, 2007

(ALL) Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 28th day of June, 2007, it is hereby **ORDERED** and **DECREED** that the Remaining Cases are hereby consolidated for all purposes, including discovery, hearing and decision, under Docket No. 3464; that the parties to the Remaining Cases are directed to observe the filing conventions set forth in this opinion; that counsel for those claims identified above as pending settlement are directed to

file appropriate requests to close these cases or to inform the Board of the need to join said case to this consolidated matter within 45 days of the exit date of this order; and that the Remaining Cases shall proceed according to the following schedule: 1. All discovery shall be completed by October 31, 2007²; 2. The last day for filing pre-trial motions is November 30, 2007²; 3. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than December 31, 2007 (See BOC R.P. 501(b) and (c)); 4. A pre-trial conference will be held on January 17, 2008, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 5. Hearing dates for the consolidated case will be as follows: Part I March 3, 2008 - March 14, 2008 Part II March 24, 2008 - March 28, 2008 Part III A April 7, 2008 - April 18, 2008 Part III B April 28, 2008 - May 9, 2008 Part IV May 19, 2008 - May 23, 2008 Part V May 27, 2008 - May 30, 2008 Part VI June 9, 2008 - June 13, 2008 6. All testimony, documents, exhibits or other materials admitted into evidence during any portion of the hearings shall be considered as the evidential record for each and all of the claims remaining in this consolidated case. However, in order to maximize the efficiency of these hearings, the Board directs the parties to focus on the specific topics identified below during the following segments of the hearing: Part I PEC claims against DGS and DGS defense of same Part II Tomko claims against DGS and DGS defense of same Part III A&B DGS claims against PEC and PEC defense of same Part IV DGS claims against Penn Transportation and Penn Transportation's defense of same Part V Pro-Spec's claims against DGS and DGS defense of same Part VI Limbach's claims against DGS and DGS defense of same." Copy forwarded to all parties of record.

July 5, 2007

(ALL) Airport Industrial Park filed Acceptance of Service of Order dated June 28, 2007. Receipt of same acknowledged July 2, 2007.

July 5, 2007

(ALL) P.J. Dick filed Acceptance of Service of Order dated June 28, 2007. Receipt of same acknowledged July 2, 2007.

July 9, 2007

(Old 3643) Pro-Spec filed Withdrawal of Appearance of Robert D. Ardizzi, Esquire as well as an Entry of Appearance of David S. Makara, Esquire on behalf of Pro-Spec.

July 9, 2007

(ALL) Limbach filed Acceptance of Service of Order dated June 28, 2007. Receipt of same acknowledged July 2, 2007.

July 9, 2007

(ALL) Cast & Baker filed Acceptance of Service of Order dated June 28, 2007. Receipt of same acknowledged July 5, 2007.

July 13, 2007

(ALL) Penn Transportation filed Acceptance of Service of Order dated June 28, 2007. Receipt of same acknowledged July 6, 2007.

July 17, 2007

(Old 3554 Simplex Grinnell) Plaintiff filed Praecipe to Mark Settled and Discontinued and Ended Simplex against DGS only.

July 18, 2007

(ALL) W.G. Tomko filed Acceptance of Service of Order dated June 28, 2007. Receipt of same acknowledged July 2, 2007.

July 25, 2007

(Old 3554 Simplex Grinnell) Board rendered Order. Order as follows: **"AND NOW**, this 25th day of July, 2007, upon receipt of a praecipe executed by Paul K. Vey, Esquire, on behalf of Plaintiff, Simplex Grinnell, LP f/k/a Grinnell Fire Protection, a division of Grinnell Corporation, requesting that the Board kindly mark the above-captioned matter settled, discontinued and ended with prejudice pursuant to BOC R.P. 702 against Simplex Grinnell only, docketed with this Board under date of July 17, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice regarding the claim of Simplex Grinnell, LP f/k/a Grinnell Fire Protection, a division of Grinnell Corporation against DGS only. The action by DGS against Airport Industrial Park d/b/a PEC Contracting Engineers will

continue in the above docket." Copy forwarded to all parties of record.

July 30, 2007

(ALL) Limbach filed Acceptance of Service of Order dated July 25, 2007. Receipt of same acknowledged July 26, 2007.

July 30, 2007

(ALL) Amthor filed Acceptance of Service of Order dated July 25, 2007. Receipt of same acknowledged July 27, 2007.

July 30, 2007

(Old 3568 Cast & Baker) Cast and Baker filed a change of address.

July 31, 2007

(ALL) Farfield filed Acceptance of Service of Order dated July 25, 2007. Receipt of same acknowledged July 30, 2007.

August 1, 2007

(Old 3568 Cast & Baker) Plaintiff and Defendant filed Praecipe to Mark Settled and Discontinued and Ended Cast & Baker against DGS only.

August 1, 2007

(ALL) Airport filed Acceptance of Service of Order dated July 25, 2007. Receipt of same acknowledged July 27, 2007.

August 3, 2007

(Old 3568 Cast & Baker) Board rendered Order. Order as follows: **"AND NOW**, this 3rd day of August, 2007, upon receipt of a praecipe executed by Jane Lewis Volk, Esquire, on behalf of Plaintiff, Cast & Baker Corporation, and David Narkiewicz, Assistant Chief Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services, jointly requesting that the Board mark the docket on this matter as settled and discontinued with prejudice as to all claims between Cast & Baker Corporation and DGS only, docketed with this Board under date of August 1, 2007, it is **ORDERED** and **DIRECTED**

that the above-captioned matter be marked settled, discontinued and ended with prejudice regarding the claims of Cast & Baker Corporation against DGS and DGS against Cast & Baker Corporation only. The action by DGS against Penn Transportation Services, Inc. will continue in the above docket." Copy forwarded to all parties of record.

August 3, 2007

(Old 3643 Pro-Spec Painting) Pro-Spec filed Motion for Reconsideration of the Board's Revised Case Management Order dated June 28, 2007 as well as Proposed Order.

August 3, 2007

(ALL) W.G. Tomko filed Acceptance of Service of Order dated July 25, 2007. Receipt of same acknowledged July 31, 2007.

August 6, 2007

(ALL) Penn Transportation filed Acceptance of Service of Order dated July 25, 2007. Receipt of same acknowledged July 31, 2007.

August 6, 2007

(Old 3631 Limbach) Defendant filed Praecipe to Mark Settled and Discontinued case against Amthor only.

August 6, 2007

(Old 3642 Farfield) Defendant filed Praecipe to Mark Settled and Discontinued against Amthor Steel, Inc. only.

August 7, 2007

(Old 3642 Farfield) Board rendered Order. Order as follows: "**AND NOW**, this 7th day of August, 2007, upon receipt of a praecipe executed by David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services, requesting that the Board mark its claim in the above-captioned docket settled and discontinued, docketed with this Board under date of August 6, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended,

with prejudice, regarding the claim of DGS against Amthor Steel, Inc. only. The action by DGS against Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers will continue in the above docket. Copy forwarded to all parties of record.

August 8, 2007

(Old 3631 Limbach) Board rendered Order. Order as follows: "**AND NOW**, this 8th day of August, 2007, upon receipt of a praecipe executed by David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services, requesting that the Board mark the above-captioned docket settled and discontinued, docketed with this Board under date of August 6, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended, with prejudice, regarding the claim of DGS against Amthor Steel, Inc. only. The action by Limbach against DGS will continue in the above docket." Copy forwarded to all parties of record.

August 8, 2007

(ALL) Defendant filed Acceptance of Service of Order dated August 3, 2007. Receipt of same acknowledged August 6, 2007.

August 8, 2007

(ALL) Amthor filed Acceptance of Service of Order dated August 3, 2007. Receipt of same acknowledged August 6, 2007.

August 9, 2007

(ALL) Defendant filed Acceptance of Service of Order dated August 7, 2007. Receipt of same acknowledged August 8, 2007.

August 13, 2007

(ALL) Amthor filed Acceptance of Service of Order dated August 7, 2007. Receipt of same acknowledged August 8, 2007.

August 13, 2007

(ALL) Farfield filed Acceptance of Service of Order dated August 7, 2007. Receipt of same acknowledged August 8, 2007.

August 13, 2007

(ALL) Penn Transportation filed Acceptance of Service of Order dated August 7, 2007. Receipt of same acknowledged August 10, 2007.

August 13, 2007

(ALL) Penn Transportation filed Acceptance of Service of Order dated August 3, 2007. Receipt of same acknowledged August 8, 2007.

August 13, 2007

(ALL) W.G. Tomko filed Acceptance of Service of Order dated August 3, 2007. Receipt of same acknowledged August 9, 2007.

August 13, 2007

(ALL) Defendant filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 9, 2007.

August 15, 2007

(ALL) Penn Transportation filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 13, 2007.

August 16, 2007

(ALL) Amthor filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 10, 2007.

August 17, 2007

(ALL) Limbach filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 15, 2007.

August 20, 2007

(ALL) Airport filed Acceptance of Service of Order dated August 3, 2007. Receipt of same acknowledged August 16, 2007.

August 20, 2007

(ALL) Airport filed Acceptance of Service of Order dated August 7, 2007. Receipt of same acknowledged August 16, 2007.

August 20, 2007

(ALL) Airport filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 16, 2007.

August 23, 2007

(ALL) W.G. Tomko filed Acceptance of Service of Order dated August 7, 2007. Receipt of same acknowledged August 17, 2007.

August 23, 2007

(ALL) W.G. Tomko filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 17, 2007.

September 13, 2007

(OLD 3643 Pro-Spec) Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 13th day of September, 2007, it is hereby **ORDERED** and **DECREED** that the case originally docketed with this Board at Docket No. 3643, entitled Pro-Spec Painting, Inc. vs. Commonwealth of Pennsylvania, Department of General Services, and recently consolidated into Docket No. 3464, shall, upon further motion by Pro-Spec, be severed from the consolidated action for all remaining purposes, including hearing. The severed case shall hereinafter be docketed with the Board at new Docket No. 3910. Both Pro-Spec and DGS shall provide the Board with new proposed dates for a hearing compliant with this order within 10 days from the exit date hereof." Copy forwarded to all parties of record.

September 17, 2007

(Old 3643 Pro-Spec) Defendant filed Acceptance of Service of Opinion and Order dated September 13, 2007. Receipt of same acknowledged September 14, 2007.

September 21, 2007

(Old 3643 Pro-Spec) Airport filed Acceptance of Service of Opinion and Order dated September 13, 2007. Receipt of same acknowledged September 17, 2007.

September 21, 2007

(Old 3643 Pro-Spec) Farfield filed Acceptance of Service of Opinion and Order dated September 13, 2007. Receipt of same acknowledged September 15, 2007.

September 24, 2007

(Old 3643 Pro-Spec) Pro-Spec filed Acceptance of Service of Opinion and Order dated September 13, 2007. Receipt of same acknowledged September 19, 2007.

September 28, 2007

(Old 3643 Pro-Spec) Penn Transportation filed Acceptance of Service of Opinion and Order dated September 13, 2007. Receipt of same acknowledged September 28, 2007.

October 19, 2007

(Old 3631 & 3762 Limbach) Board rendered Amended Scheduling Order. Order as follows: "**AND NOW**, this 19th day of October, 2007, it is hereby **ORDERED** and **DECREED** that the Order of this Board dated June 28, 2007, is amended insofar as the hearing dates for Part VI, Limbach's claims against DGS and DGS's defense of same, shall now run from May 27, 2008 through June 2, 2008, or as necessary. Because the claim of Pro-Spec against DGS and DGS's defense of same has been severed from the present matter by this Board's Order of September 13, 2007, the hearing in Pro-Spec Painting, Inc. vs. Commonwealth of Pennsylvania, Department of General Services, previously scheduled to begin May 27, 2008, was removed from the schedule under this consolidated Docket No. 3464. All other matters shall remain as scheduled pursuant to the Board's Order of June 28, 2007." Copy forwarded to all parties of record.

October 22, 2007

(Old 3643 & 3762) Defendant filed Acceptance of Service of Order dated October 19, 2007. Receipt of same acknowledged October 19, 2007.

October 26, 2007

(Old 3643 & 3762) Penn Transportation filed Acceptance of Service of Order dated October 19, 2007. Receipt of same acknowledged October 24, 2007.

October 26, 2007

(Old 3643 & 3762) Airport filed Acceptance of Service of Order dated October 19, 2007. Receipt of same acknowledged October 22, 2007.

November 2, 2007

(Old 3630, 3686, 3501 and 3568) Penn Transportation filed Notice of Intent to Use Expert Testimony At The Time of Trial and Notice to Deem Request For Admissions Admitted.

November 2, 2007

(Old 3643 & 3762) Limbach filed Acceptance of Service of Order dated October 19, 2007. Receipt of same acknowledged November 1, 2007.

November 30, 2007

(Old 3630, 3686, 3501 & 3568) Defendant filed Motion in Limine to Preclude Testimony of Expert Witnesses and Brief as well as Proposed Order. [01A010208]

November 30, 2007

(All) Defendant filed Stipulation by Defendant and Airport Industrial Park, Inc. et. al to Amend Counterclaims.

November 30, 2007

(Old 3469) Defendant filed Motion for Summary Judgment and Brief as well as Proposed Order. [06A122607]

December 3, 2007

Board forwarded letter to Airport requesting Response to Defendant's Motion for Summary Judgment.

December 3, 2007

(Old 3630, 3686, 3501 & 3568) DGS filed Answer to Notice by Penn Transportation to Deem Request for Admissions Admitted.

December 3, 2007

Board forwarded letter to Penn Transportation requesting Response to Defendant's Motion in Limine to Preclude Testimony of Expert Witnesses.

December 5, 2007

Board forwarded letter to Airport requesting response to Stipulation by Defendant and Airport Industrial Park, Inc. et. al to Amend Counterclaims.

December 21, 2007

(Old 3469) Airport filed Response to Defendant's Motion for Summary Judgment and Brief in Opposition.

December 21, 2007

(All) Airport filed Response and New Matter to Stipulation by the Defendant and Airport to Amend Counterclaims.

December 27, 2007

(All) Board forwarded letter to Defendant requesting response to Airport's Response and New Matter to Stipulation by the Defendant and Airport to Amend Counterclaims.

December 28, 2007

(Old 3464 & 3469) Airport filed Pre-trial Statements.

December 28, 2007

(Old 3464 & 3469) Defendant filed Pre-trial Statements.

December 28, 2007

(Old 3501 & 3631) Defendant filed Pre-trial Statements.

December 31, 2007

Plaintiff filed Response to Defendant's Motion in Limine to Preclude Expert Testimony.

December 31, 2007

(Old 3631) Limbach filed Pre-trial Statements.

December 31, 2007

(Old 3630, 3686, 3501 and 3568) Defendant filed Pre-trial Statements.

December 31, 2007

(Old 3643) Pro-Spec filed Pre-trial Statements.

December 31, 2007

(Old 3762) Limbach filed Pre-trial Statements.

December 31, 2007

(Old 3464, 3466, 3469, 3483, 3493, 3494, 3501, 3554, 3568, 3631, 3642, 3646 & 3762) Defendant filed Expert Report of McDonough Bolyard Peck on CD in all cases and Expert Report of Wiley Wright in some cases.

December 31, 2007

(Old 3631 & 3762) Plaintiff filed Expert Report of Warner Construction Consultants Inc on CD.

January 4, 2008

(Old 3630, 3686, 3501 & 3568) Penn Transportation filed Pre-trial Statements.

January 11, 2008

(Old 3493 & 3646) W.G. Tomko transmitted via fax letter advising parties have entered into an oral agreement and requests to be excused from the January 17, 2008 pre-trial conference.

January 16, 2008

(Old 3493 & 3646) W.G. Tomko filed letter advising parties have entered into an oral agreement and requests to be excused from the January 17, 2008 pre-trial conference.

January 17, 2008

Board pre-trial conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101 commencing at 1:00 pm.

January 18, 2008

(All) Board rendered Order. Order as follows: "**AND NOW**, this 18th day of January, 2008, upon request of the parties at pre-trial conference for this matter, the Board hereby approves the stipulation filed by counsel for DGS and PEC allowing DGS to amend its counterclaims against PEC as set forth in the stipulation filed with this Board under date of November 30, 2007. The Board will also allow PEC's response to same (filed with the Board on December 21, 2007) and appropriate reply to the new matter raised therein by DGS. These amendments are allowed without prejudice to either party's right to assert appropriate claims or defenses to the matters raised in these amendments." Copy forwarded to all parties of record.

January 23, 2008

Board rendered Order. Order as follows: " **AND NOW**, this 23rd day of January, 2008, pursuant to discussion among the Board and relevant parties to this action at the pre-trial conference of January 17, 2008, the parties will observe the following deadlines for exchanging and filing with the Board the following information supplemental to their pre-trial statements: 1. DGS will provide all parties with, and file with the Board, a witness list which identifies by name each person which it intends to call during Part I of the consolidated hearing (3/3/08-3/14/08) by no later than January 29, 2008; 2. Both DGS and PEC shall provide all parties with, and file with the Board, a complete list of exhibits and agreed to stipulations for Part I of the consolidated hearings (3/3/08-3/14/08) by no later than February 15, 2008; 3. DGS shall provide all parties with, and file with the Board, a witness list which identifies by name each person which it intends to call as a witness during Part III (A) and Part III (B) (4/7/08-5/9/08) by no later than February 15, 2008. This list shall distinguish, as nearly as possible, those persons which it intends to call during Part III (A) from those persons which it intends to call during Part III (B) of the hearing; 4. Both DGS and PEC shall provide all parties with, and file with the Board, a complete list of exhibits and agreed to stipulations for Part III (A) & (B) of the consolidated hearings (4/7/08-5/9/08) by no later than March 24, 2008; 5. Both DGS and PTS shall provide all parties with, and file with the Board, a complete list of witnesses (identified by name), exhibits and agreed to stipulations for Part IV of the consolidated hearings (5/19/08-5/23/08) by no later than April 25, 2008; 6. Both Limbach and DGS shall provide all parties with, and file with the Board, a complete list of witnesses (identified by name), exhibits and agreed to stipulations for Part VI of the consolidated hearings (5/27/08-6/2/08) by no later than May 16, 2008. The witness lists to be provided shall identify the persons by name and affiliation and shall be pared down from the witness list provided in the original pre-trial statements of the parties to the extent reasonably possible. The stipulations shall include, where possible, the dates that the respective claims at issue were filed with the DGS contracting officer. Said stipulations shall also indicate whether or not the parties will agree to the admissibility of the expert reports (not testimony) already exchanged by the parties." Copy forwarded to all parties of record.

January 23, 2008

Defendant filed Acceptance of Service of Order dated January 18, 2008. Receipt of same acknowledged on January 22, 2008.

January 23, 2008

Plaintiff filed Acceptance of Service of Order dated January 18, 2008. Receipt of same acknowledged on January 22, 2008.

January 24, 2008

(ALL) Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 24th day of January, 2008, upon consideration of the Commonwealth of Pennsylvania, Department of General Services' Motion in Limine to preclude testimony of expert witnesses Frederick K. Maxeiner and Christopher J. Payne, it is hereby **ORDERED** that the motion is **GRANTED** to the extent that neither Mr. Maxeiner nor Mr. Payne will be compelled to testify. In respect to the testimony of Frederick K. Maxeiner alone, the motion is **DENIED** to the extent that Frederick K. Maxeiner agrees to testify on behalf of additional defendant PTS without compulsion." Copy forwarded to all parties of record.

January 24, 2008

(Old 3469) Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 24th day of January, 2008, it is hereby **ORDERED** and **DECREED** that Defendant's motion for summary judgment is **DENIED**." Copy forwarded to all parties of record.

January 25, 2008

Defendant filed Acceptance of Service of Order dated January 23, 2008. Receipt of same acknowledged on January 24, 2008.

January 28, 2008

Plaintiff (MacGregor) filed Acceptance of Service of Order dated January 18, 2008. Receipt of same acknowledged on January 23, 2008.

January 28, 2008

Airport filed Acceptance of Service of Order dated January 23, 2008. Receipt of same acknowledged on January 25, 2008.

January 30, 2008

(Old 3469) Defendant filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 28, 2008.

January 30, 2008

Defendant filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 28, 2008.

January 31, 2008

Airport filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 29, 2008.

January 31, 2008

(Old 3469) Airport filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 29, 2008.

January 31, 2008

W.G. Tomko filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 27, 2008.

January 31, 2008

(Old 3469) W.G. Tomko filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 27, 2008.

February 1, 2008

Penn Transportation filed Acceptance of Service of Opinion and Order dated January 23, 2008. Receipt of same acknowledged on January 28, 2008.

February 1, 2008

Penn Transportation filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 29, 2008.

February 1, 2008

(Old 3469) Penn Transportation filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 29, 2008.

February 4, 2008

Limbach filed Acceptance of Service of Opinion and Order dated January 23, 2008. Receipt of same acknowledged on January 24, 2008.

February 4, 2008

(Old 3469) Limbach filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 24, 2008.

February 4, 2008

Limbach filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on January 28, 2008.

February 4, 2008

Limbach filed Acceptance of Service of Opinion and Order dated January 18, 2008. Receipt of same acknowledged on January 25, 2008.

February 6, 2008

W.G. Tomko filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on February 4, 2008.

February 6, 2008

(Old 3469) W.G. Tomko filed Acceptance of Service of Opinion and Order dated January 24, 2008. Receipt of same acknowledged on February 4, 2008.

February 6, 2008

(Old 3464 and 3469) Defendant filed Witness List Pertaining to The Claims By DGS Against PEC on Behalf Of Other Contractors.

February 6, 2008

(Old 3464 and 3469) Defendant filed Witness List Pertaining to the Defense of Claims Brought by PEC and The Counterclaims on Behalf Of DGS Itself Against PEC.

February 15, 2008

(ALL) Airport filed an original Exhibit List.

February 19, 2008

(Old 3464 and 3469) Defendant filed List of Exhibits.

February 19, 2008

(Old 3464 and 3469) Defendant filed Second Motion for Summary Judgment Based on Lack of Jurisdiction, or Alternatively, Defendant's Motion for Directed Verdict and Brief in Support.

February 21, 2008

(Old 3631) Limbach filed Motion for Leave to File Motion in Limine.

February 21, 2008

(ALL) Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 21st day of February, 2008, it is hereby **ORDERED** and **DECREED** that Defendant's Second Motion for Summary Judgment is **DISMISSED**." Copy forwarded to all parties of record.

February 22, 2008

(ALL) Defendant filed Acceptance of Service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged on February 21, 2008.

February 25, 2008

(Old 3631) Board forwarded letter to Defendant requesting response to Motion of Limbach for Leave to File Motion in Limine. Copy forwarded to all parties of record.

February 26, 2008

Board forwarded letter to parties scheduling status conference for February 27, 2008 at 2:00 p.m. in Judge's Office.

February 26, 2008

(ALL) Defendant filed Acceptance of Service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged on February 21, 2008.

February 27, 2008

Board held status conference at 2:00 p.m. in Judge's Office.

February 27, 2008

(ALL) Airport filed Acceptance of Service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged on February 22, 2008.

February 28, 2008

Board rendered Order. Order as follows: " **AND NOW**, this 28th day of February, 2008, pursuant to discussion among counsel for the parties and the Board at the pre-trial status conference held Wednesday, February 27, 2008, the Board shall amend its existing Scheduling Orders as follows: 1. Part I of the hearings in this consolidated matter (PEC vs. DGS) is rescheduled to commence Thursday, March 6, 2008, at the Board's hearing room at 9:30 a.m. and to run until March 14, 2008, or as otherwise needed; 2. Part II of the hearings in this consolidated matter (Tomko vs. DGS)

currently scheduled to begin March 24, 2008 and run until March 28, 2008, is hereby postponed indefinitely as the parties have advised of a pending settlement; and 3. The Board's extant Scheduling Orders otherwise remain in effect for all other purposes. In addition, pursuant to discussion regarding Limbach's current Motion for Leave to File a Motion in Limine and agreement of counsel for DGS and Limbach, Limbach's Motion for Leave to File a Motion in Limine is hereby **GRANTED**. Limbach is directed to file its Motion in Limine and brief in support at its earliest opportunity. Copy forwarded to all parties of record.

February 28, 2008

Plaintiff Airport transmitted by facsimile letter advising that Defendant does not intend to respond to the Plaintiff's Notice to Produce and requesting further guidance from the Court.

February 28, 2008

(ALL) Penn Transportation filed Acceptance of Service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged on February 25, 2008.

February 29, 2008

(ALL) Defendant filed Acceptance of Service of Opinion and Order dated February 28, 2008. Receipt of same acknowledged on February 28, 2008.

February 29, 2008

Board forwarded letter to parties advising parties to come to hearing prepared to explain and provide legal support for respective positions due to time to file pre-trial motions has expired.

March 5, 2008

(Old 3464 and 3469) Defendant filed Reply to New Matter of Plaintiff Airport.

March 6, 2008

(Old 3464) Penn Transportation filed letter advising that DGS and Penn Transportation have reached a tentative settlement agreement

and there will be no need to proceed with the trial.

March 6, 2008

(ALL) Penn Transportation filed Acceptance of Service of Order dated February 28, 2008. Receipt of same acknowledged on March 6, 2008.

March 6, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

March 7, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 8:30 a.m.

March 7, 2008

(Old 3631) Limbach filed Motion in Limine and Brief in Support as well as Proposed Order.

March 10, 2008

(All) Airport transmitted letter via fax advising of address change.

March 10, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 8:30 a.m.

March 11, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 8:30 a.m.

March 12, 2008

(ALL) Airport filed Acceptance of Service of Order dated February 28, 2008. Receipt of same acknowledged on March 9, 2008.

March 12, 2008

(ALL) W.G. Tomko filed Acceptance of Service of Order dated February 28, 2008. Receipt of same acknowledged on March 8, 2008.

March 12, 2008

(ALL) W.G. Tomko filed Acceptance of Service of Opinion and Order dated February 21, 2008. Receipt of same acknowledged on March 8, 2008.

March 12, 2008

(ALL) Limbach filed Acceptance of Service of Order dated February 28, 2008. Receipt of same acknowledged on March 4, 2008.

March 12, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 8:30 a.m.

March 13, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 8:30 a.m.

March 14, 2008

DGS filed Subpoenas to Attend and Testify of Donna M. Puglin, Lee Harris, Kit Pettit and Steven J. Weirich.

March 14, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 8:30 a.m.

March 18, 2008

DGS filed Subpoenas to Attend and Testify of Ann Marie Barry.

March 21, 2008

(ALL) Airport filed Exhibit List for Phases III(A) and (B).

March 27, 2008

(Old 3464 & 3469) Defendant filed List of Exhibits.

April 7, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 8, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 9, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 10, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 10, 2008

Board forwarded letter to parties advising of status conference scheduled for noontime April 15, 2008 to discuss Limbach's pending motion in limine and settlement progress.

April 11, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 14, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 15, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 16, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 17, 2008

(Part IIIA) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 18, 2008

Board rendered Order. Order as follows: "**AND NOW**, this 18th day of April, 2008, pursuant to status conference of Tuesday, April 15, 2008, wherein counsel for Limbach Company, LLC and Commonwealth of Pennsylvania, Department of General Services requested a stay of DGS/Limbach's portion of the consolidated case scheduled for May 27 through June 2, 2008, and wherein counsel for DGS requested a stay of the DGS/Penn Transportation Services, Inc. portion of the consolidated matter scheduled for May 19, 2008 through May 30, 2008, it is hereby **ORDERED** and **DECREED** that the DGS/Limbach portion of the case and the DGS/Penn Transportation portion of the case are hereby **STAYED** until further notice in order to allow time for consummation of pending settlement agreements. Accordingly, the hearing schedule for these portions of the case will be removed from the Board's calendar until further notice." Copy forwarded to all parties of record.

April 23, 2008

(ALL) Defendant filed Acceptance of Service of Order dated April 18, 2008. Receipt of same acknowledged on April 22, 2008.

April 24, 2008

(ALL) Penn Transportation filed letter advising of tentative settlement agreement and request that the cases involving Penn Transportation and DGS be stayed indefinitely.

April 25, 2008

(ALL) Limbach filed Acceptance of Service of Order dated April 18, 2008. Receipt of same acknowledged on April 24, 2008.

April 25, 2008

Testimony of hearing held March 6-11, 2008 filed.

April 28, 2008

(ALL) Airport filed Acceptance of Service of Order dated April 18, 2008. Receipt of same acknowledged on April 25, 2008.

April 28, 2008

DGS filed Subpoenas to Attend and Testify of Gary Lamm.

April 28, 2008

DGS filed Subpoenas to Attend and Testify of Brian Iavarone.

April 28, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m.

April 29, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

April 30, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

April 30, 2008

(ALL) Penn Transportation filed Acceptance of Service of Order dated April 18, 2008. Receipt of same acknowledged on April 25, 2008.

May 1, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

May 2, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

May 5, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

May 6, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

May 7, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

May 8, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

May 9, 2008

(Part IIIB) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

May 27, 2008

(ALL) Tomko filed Acceptance of Service of Order dated April 18, 2008. Receipt of same acknowledged on May 22, 2008.

May 28, 2008

Testimony of hearing held March 12-14, 2008 filed.

June 2, 2008

Board forwarded copy of testimony of hearing held March 6 through March 14, 2008 to DGS.

June 3, 2008

Testimony of hearing held April 7-11, 2008 filed.

June 4, 2008

Board forwarded copy of testimony of hearing held April 7 through April 11, 2008 to DGS.

June 4, 2008

(ALL) Defendant filed Acceptance of Service of testimony dated June 2, 2008. Receipt of same acknowledged on June 3, 2008.

June 6, 2008

(ALL) Defendant filed Acceptance of Service of testimony dated June 4, 2008. Receipt of same acknowledged on June 5, 2008.

June 16, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

June 17, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

June 18, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m.

June 19, 2008

(Part I) Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:00 a.m. CASE

COMPLETE

June 19, 2008

(Old 3493) W.G. Tomko, filed Praecipe to Discontinue all liens, complaints, counterclaims or crossclaims as to and only between W.G. Tomko, Inc. and DGS.

June 19, 2008

(Old 3646) W.G. Tomko, Inc. filed Praecipe to Discontinue.

June 30, 2008

(All) W.G. Tomko, Inc. filed corrected Praecipe to Discontinue.

July 1, 2008

(All) Board forwarded letter to Airport requesting dismissal of counterclaim against DGS.

July 1, 2008

Testimony of hearing held April 14-18, 2008 filed.

July 2, 2008

Board rendered Praecipe Order. Order as follows: "**AND NOW**, this 2nd day of July, 2008, upon receipt of a praecipe executed by Renee Colbert, J.D., Esquire, on behalf of Plaintiff, W.G. Tomko, Inc., requesting that the Board mark its claims in the above-captioned matter settled and discontinued, docketed with this Board under date of June 30, 2008, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice regarding the claims of W.G. Tomko, Inc. against DGS only. The actions by DGS against Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers and Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers against W.G. Tomko, Inc. will continue in the above-captioned matter." Copy forwarded to all parties of record.

June 2, 2008

Board forwarded copy of testimony of hearing held April 14 through April 18, 2008 to DGS.

July 8, 2008

DGS filed Acceptance of Service of Order dated July 2, 2008. Receipt of same acknowledged July 7, 2008.

July 8, 2008

DGS filed Acceptance of Service of testimony dated July 2, 2008. Receipt of same acknowledged July 7, 2008.

July 11, 2008

Limbach filed Acceptance of Service of Order dated July 2, 2008. Receipt of same acknowledged July 10, 2008.

July 14, 2008

Penn Transportation filed Acceptance of Service of Order dated July 2, 2008. Receipt of same acknowledged July 13, 2008.

July 14, 2008

(Old 3762) Plaintiff filed Praecipe to Settle, Discontinue and End.

July 14, 2008

(Old 3631) Plaintiff filed Praecipe to Settle, Discontinue and End.

July 17, 2008

Board rendered Order. Order as follows: "**AND NOW**, this 17th day of July, 2008, upon receipt of a praecipe executed by Theodore A. Adler, Esquire, on behalf of Plaintiff, Limbach Company, LLC, requesting that the Board mark its claims in the above-captioned matter settled, discontinued and ended, docketed with this Board under date of July 14, 2008, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice regarding the claims of Limbach Company, LLC against DGS only. The action by DGS against Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers will continue in the above docket." Copy forwarded to all parties of record.

July 17, 2008

Airport filed Acceptance of Service of Order dated July 2, 2008. Receipt of same acknowledged July 14, 2008.

July 21, 2008

W.G. Tomko filed Acceptance of Service of Order dated July 2, 2008. Receipt of same acknowledged July 14, 2008.

July 22, 2008

Defendant filed Acceptance of Service of Order dated July 17, 2008. Receipt of same acknowledged July 18, 2008.

July 24, 2008

Limbach filed Acceptance of Service of Order dated July 17, 2008. Receipt of same acknowledged July 23, 2008.

July 28, 2008

Airport filed Acceptance of Service of Order dated July 17, 2008.
Receipt of same acknowledged July 24, 2008.

July 31, 2008

Penn Transportation filed Acceptance of Service of Order dated July 17, 2008. Receipt of same acknowledged July 29, 2008.

August 13, 2008

Testimony of hearing held April 28 through May 2, 2008 filed.

August 14, 2008

Board forwarded copy of testimony of hearing held April 28 through May 2, 2008 to DGS.

August 18, 2008

Defendant filed Acceptance of Service of testimony dated August 14, 2008. Receipt of same acknowledged August 15, 2008.

August 27, 2008

Testimony of hearing held May 5 through May 9, 2008 filed.

August 28, 2008

Board forwarded copy of testimony of hearing held May 5 through May 9, 2008 to DGS.

September 3, 2008

Defendant filed Acceptance of Service of testimony dated August 28, 2008. Receipt of same acknowledged September 2, 2008.

September 16, 2008

Testimony of hearing held June 16 through June 19, 2008 filed.
(Last Day)

September 17, 2008

Board forwarded copy of testimony of hearing held June 16 through June 19, 2008 to DGS. Last day.

September 19, 2008

Defendant filed Acceptance of Service of testimony dated September 17, 2008. Receipt of same acknowledged September 2, 2008.

October 8, 2008

Defendant filed Motion for Directed Verdict and Brief.

October 20, 2008

Airport filed a Motion to Withdraw Samuel F. Reynolds, Jr. and firm as counsel for Airport as well as proposed order.

October 20, 2008

(Old 3501,3630,3686&3568) Defendant filed Praecipe to Discontinue cases between DGS and Penn Transportation only.

October 21, 2008

Board rendered Praecipe Order. Order as follows: "**AND NOW**, this 21st day of October, 2008, upon receipt of a praecipe executed by David L. Narkiewicz, Esquire, on behalf of Defendant, Department of General Services, requesting that the Board mark its claims in the above-captioned matter settled, discontinued and ended, docketed with this Board under date of October 20, 2008, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice regarding the claims of DGS against Penn Transportation Services, Inc. only. The action by Airport Industrial Park, Inc., d/b/a/ PEC Contracting Engineers against DGS will continue in the above docket." Copy forwarded to all parties of record.

October 23, 2008

Defendant filed Acceptance of Service of Order dated October 21, 2008. Receipt of same acknowledged October 22, 2008.

October 27, 2008

Airport filed Acceptance of Service of Order dated October 21,

2008. Receipt of same acknowledged October 23, 2008.

October 27, 2008

W.G. Tomko filed Acceptance of Service of Order dated October 21, 2008. Receipt of same acknowledged October 23, 2008.

October 27, 2008

Penn Transportation filed Acceptance of Service of Order dated October 21, 2008. Receipt of same acknowledged October 24, 2008.

October 29, 2008

Airport transmitted (via fax) letter advising Board of Airport's contact information.

October 29, 2008

Board rendered Order. Order as follows: "**AND NOW**, this 29th day of October, 2008, pursuant to the Motion to Withdraw as counsel for Plaintiff filed by Samuel F. Reynolds, Jr. and Weisman, Goldman, Bowen & Grzywinski, LLP and receipt of supplemental letter dated October 29, 2008, providing the Board with the following contact information for Plaintiff: Paul Chambers, PEC Contracting Engineers, P.O. Box 7872, Pittsburgh, PA 15215, said motion to withdraw is hereby **GRANTED**." Copy forwarded to all parties of record.

October 31, 2008

Airport filed letter advising Board of Airport's contact information.

November 4, 2008

Defendant filed Acceptance of Service of Order dated October 29, 2008. Receipt of same acknowledged October 31, 2008.

November 5, 2008

Defendant filed Acceptance of Service of Order dated October 29, 2008. Receipt of same acknowledged November 3, 2008.

November 6, 2008

Airport filed request for a 30 day extension of time in which to file its response to Defendant's Motion for Directed Verdict.

November 6, 2008

Airport filed letter advising Board of new counsel contact information.

November 6, 2008

Deposition of Clyde Rombach, Jr. filed.

November 14, 2008

W.G. Tomko filed a Notice of Change of Address for counsel.

November 14, 2008

W.G. Tomko filed Acceptance of Service of Order dated October 29, 2008. Receipt of same acknowledged November 4, 2008.

December 3, 2008

Airport filed Praecipe for Appearance of Joseph E. Linehan, Esquire, Chad I. Michaelson, Esquire, and Meyer, Unkovic & Scott, LLP on behalf of Airport Industrial Park, Inc.

December 10, 2008

Airport filed Response to Motion for Directed Verdict and Brief in Support.

February 13, 2009

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 13th day of February, 2009, it is **ORDERED** and **DECREED** that, upon consideration of the pleadings and evidence presented by both parties, the Motion for Directed Verdict made by the Department of General Services is **DENIED**." Copy forwarded to all parties of record.

February 18, 2009

Defendant filed Acceptance of Service of Opinion and Order dated February 13, 2009. Receipt of same acknowledged February 17, 2009.

February 23, 2009

Airport filed Acceptance of Service of Opinion and Order dated February 13, 2009. Receipt of same acknowledged February 17, 2009.

March 19, 2009

Airport filed letter requesting an extension of time until April 24, 2009, in which to file Plaintiff's proposed findings of fact, conclusions of law and legal brief and advises that DGS consented to same.

April 21, 2009

Airport transmitted via fax a letter requesting an extension of time until May 8, 2009, in which to file Plaintiff's proposed findings of fact, conclusions of law and legal brief and advises that DGS consented to same and requests DGS be permitted to file its proposed findings of fact and conclusions of law 45 days after service of Plaintiff's documents.

April 22, 2009

Defendant filed letter requesting an extension of time in which to file Defendant's proposed findings of fact, conclusions of law and legal brief until 45 days after receipt of Plaintiff's pleading.

April 22, 2009

Board forwarded letter to parties granting extension of time.

April 23, 2009

Airport filed letter requesting an extension of time in which to file parties proposed findings of fact, conclusions of law and legal brief.

May 4, 2009

Airport transmitted via fax a letter requesting an extension of time until May 15, 2009, in which to file Plaintiff's proposed findings of fact, conclusions of law and legal brief and advises that DGS consented to same.

May 4, 2009

Board forwarded letter to parties granting extension of time.

May 6, 2009

Airport filed via U.S. mail a letter requesting an extension of time until May 15, 2009, in which to file Plaintiff's proposed findings of fact, conclusions of law and legal brief and advises that DGS consented to same.

May 15, 2009

Airport filed Proposed Findings of Fact, Conclusions of Law and Post-Hearing Brief.

May 6, 2009

DGS filed a letter requesting an extension of time until July 10, 2009, in which to file Defendant's proposed findings of fact, conclusions of law and legal brief and advises that Airport consented to same.

July 9, 2009

DGS filed a letter requesting an extension of time until July 31, 2009, in which to file Defendant's proposed findings of fact, conclusions of law and legal brief and requests an extension for

Airport to file its reply until August 21, 2009 and advises that Airport consented to same.

July 31, 2009

DGS filed Findings of Fact and Conclusions of Law.

August 5, 2009

DGS filed Brief of Findings of Fact and Conclusions of Law.

August 6, 2009

Airport transmitted via facsimile letter requesting an extension of time until August 28, 2009 in which to file its reply brief.

August 7, 2009

Board forwarded letter granting Airport's extension.

August 10, 2009

DGS filed supplemental findings of fact and supplemental conclusions of law.

August 10, 2009

Airport filed U.S. Mail letter requesting an extension of time until August 28, 2009 in which to file its reply brief.

August 17, 2009

Airport transmitted via facsimile letter requesting an extension of time until September 2, 2009 in which to file its reply brief.

August 18, 2009

Board forwarded letter granting Airport's extension.

August 20, 2009

Airport filed via U.S. Mail letter requesting an extension of time until September 2, 2009 in which to file its reply brief.

September 2, 2009

Airport filed Reply to Defendant's Post-Hearing Submissions.

July 15, 2010

Plaintiff filed Petition to Withdraw Joseph E. Linehan, Chad I. Michaelson and Meyer, Unkovic & Scott LLP as counsel.

August 2, 2010

Plaintiff filed letter providing name and address of substitute counsel on behalf of Plaintiff.

August 2, 2010

Plaintiff filed letter advising the address for substitute counsel was incorrect and provided Board with corrected address.

August 3, 2010

Board rendered Order. Order as follows: "**AND NOW**, this 3rd day of August, 2010, upon consideration of Plaintiff's Petition to Withdraw Appearance as Counsel for Plaintiff in the above-captioned matter filed with this Board under docket date of July 15, 2010, the withdrawal is hereby **GRANTED**. Joseph E. Linehan, Esquire, and Chad I. Michaelson, Esquire and the law firm of Meyer, Unkovic & Scott, LLP, are hereby granted leave to withdraw as counsel for Airport Industrial Park, Inc. d/b/a/ PEC Contracting Engineers." Copy forwarded to Plaintiff and Defendant.

October 12, 2011

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 12th day October, 2011, **IT IS ORDERED** and **DECREED** that judgment be entered in favor of the Commonwealth of Pennsylvania, Department of General Services ("DGS") against Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers ("PEC"), in the sum of \$148,808. This sum consists of \$93,005, the net principal amount owed to DGS for damages after resolution of the multiple claims between the parties, and \$55,803 in prejudgment interest on that amount. In addition, DGS is awarded post-judgment interest on the total outstanding judgment at the statutory rate for judgments (6% per annum) beginning on the date of this Order and continuing until the judgment is paid in full. Each party herein will bear its own costs and attorney fees." Copy forwarded to Plaintiff, Defendant and Attorney General.

February 15, 2012

Defendant filed letter requesting a certified copy of the docket entries in this matter and further advising that the Commonwealth Court dismissed an appeal filed by PEC as untimely.

February 15, 2012

Certified list comprising of record from the Board transmitted to Defendant.
