

Docket Number: 3484

INTEGRATED TECHNICAL SERVICES, INC.

George E. Pallas, Esquire
Janet L. Treiman, Esquire

CLOSED VS.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

~~Michael Bedrin, Chief Counsel~~
Anderson Lee Hartzell, Regional Supervising Counsel
William B. Calder, Jr., Supervising Counsel

April 15, 2002

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$7,500,000 +

April 16, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT MAY 16, 2002.

April 23, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 19, 2002.

April 23, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 18, 2002.

May 16, 2002

Answer filed by attorneys for Defendant. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

November 21, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **December 23, 2002**.

November 25, 2002

Proposed Scheduling Order, executed by attorney for Plaintiff and attorney for Defendant, filed by attorney for Defendant.

November 26, 2002

The Board approved the following Scheduling Order: "IT IS on this 26th day of November, 2002, ORDERED and DECREED as follows: **DISCOVERY:** 1. All discovery shall be completed by August 31, 2003. 2. All interrogatories and document requests shall be served by November 30, 2002 and answered by December 31, 2002. 3. All depositions of all parties and witnesses shall be completed by April 30, 2003.

EXPERTS: 4. The report of any proposed affirmative expert witness shall be served together with all other disclosures provided by Pa. R.Civ. P. 4003.5 no later than June 30, 2003; 5. The report of any proposed rebuttal expert witness shall be served together with all other disclosures required by Pa. R.Civ. P. 4003, no later than July 31, 2003. 6. All expert depositions shall be completed by August 31, 2003. 7. No expert shall testify at trial to any opinions or base those opinions on facts not substantially disclosed in the expert's report as described above. **JUDICIAL:** This matter will be scheduled for trial in November, 2003." Copy forwarded to attorneys for Plaintiff and attorneys for Defendant.

December 5, 2002

Acceptance of Service of Scheduling Order received from attorney for Defendant (Hartzell). Receipt of same acknowledged by attorney for Defendant December 3, 2002.

December 6, 2002

Acceptance of Service of Scheduling Order received from attorney for Defendant (Calder). Receipt of same acknowledged by attorney for Defendant December 2, 2002.

April 21, 2003

Proposed Amended Scheduling Order, executed by attorney for Plaintiff and attorney for Defendant, filed by attorney for Defendant.

May 13, 2003

Board issued Opinion and Order. Order as follows: "**AND NOW**, this day of May, 2003, it is hereby **ORDERED** and **DIRECTED** that all discovery in this matter shall be completed by August 31, 2003. Pre-Trial Statements shall be submitted by September 26, 2003. A Pre-Trial Conference shall be held at the Board's offices, 7th Floor, Fulton Building, 200 North Third Street, Harrisburg, Pennsylvania, on October 2, 2003, at 10:00 a.m. No Pre-Trial Motions will be considered by the Board after October 9, 2003. The hearing on the matter shall commence on December 1, 2003 and continue as many days as needed until December 12, 2003. Said hearing will be held in the Board of Claims Courtroom No. 1, 6th Floor, Fulton Building, 200 North Third Street, Harrisburg, Pennsylvania, and will commence at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

May 13, 2003

Plaintiff filed Certificate Pre-requisite to Service of Subpoena Pursuant to Rule 4009.22

May 21, 2003

Defendant (Calder) filed Acceptance of Service of Opinion and Order dated May 13, 2003. Receipt of same acknowledged by Defendant May 20, 2003.

May 29, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated May 13, 2003. Receipt of same acknowledged by Plaintiff May 21, 2003.

August 18, 2003

Plaintiff filed Proposed Second Amended Scheduling Order, executed by both parties.

September 30, 2003

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 30th day of September, 2003, it is hereby **ORDERED** and **DECREED** as follows: 1. All discovery in this matter shall be completed by September 30, 2003; 2. Pre-Trial Statements of both parties shall be filed with the Board no later than October 24, 2003; 3. A Pre-Trial Conference is scheduled for November 3, 2003 at 9:30 a.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, Pennsylvania 17101; 4. All Pre-Trial Motions shall be filed no later than November 7, 2003; 5. Responses to any Pre-Trial Motions filed shall be filed with the Board no later than

November 14, 2003; and 6. Hearing on the matter shall be held as indicated in the previous scheduling order starting on December 1, 2003 at 9:30 a.m. in Board of Claims' Courtroom No. 1, 6th Floor, Fulton Building, 200 North Third Street, Harrisburg, Pennsylvania and will continue as necessary until December 12, 2003." Copy forwarded to Plaintiff and Defendant.

October 6, 2003

Defendant (Anderson Lee Hartzell) filed Acceptance of Service of Opinion and Order dated September 30, 2003. Receipt of same acknowledged by Defendant October 3, 2003.

October 6, 2003

Defendant (William Calder) filed Acceptance of Service of Opinion and Order dated September 30, 2003. Receipt of same acknowledged by Defendant October 2, 2003.

October 30, 2003

Board issued Opinion and Order. Order as follows: **ANY AND ALL** On this 30th day of October, 2003, it is hereby **ORDERED** and **DECREED** as follows: 1. Hearing on the matter shall be held starting on December 1, 2003 at 9:30 a.m. in Board of Claims' Courtroom No. 1, 6th Floor, Fulton Building, 200 North Third Street, Harrisburg, Pennsylvania and will continue as necessary until December 10, 2003. If additional days are required, the hearing shall reconvene on December 16 and 17, 2003. 2. All other dates and deadlines shall remain as set forth in this Board's Order of September 30, 2003. " Copy forwarded to Plaintiff and Defendant.

October 31, 2003

Plaintiff filed letter advising that the parties have settled and are in the process of signing a Settlement Agreement. Plaintiff requests the pre-trial conference be canceled.

November 6, 2003

Defendant (William Calder) filed Acceptance of Service of Opinion and Order dated October 30, 2003. Receipt of same acknowledged November 3, 2003.

November 18, 2003

Plaintiff filed letter, via facsimile, advising that the parties have settled and have prepared a Settlement Agreement which is in the process of being executed and requests that the hearing scheduled in this matter be continued so the parties can execute the Settlement Agreement and file a Praecipe to Settle, Discontinue and End.

November 21, 2003

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 21st day of November, 2003, it is **ORDERED** and **DECREED** that the trial in this matter scheduled to commence December 1, 2003, is hereby **CONTINUED** indefinitely. Further, the parties are directed to advise this Board, within sixty (60) days from the date of this Order as to the status of the pending Settlement Agreement." Copy forwarded to Plaintiff and Defendant.

December 1, 2003

Defendant (Cantor) filed Acceptance of Service of Opinion and Order dated November 21, 2003. Receipt of same acknowledged November 25, 2003.

December 4, 2003

Defendant (Hartzell) filed Acceptance of Service of Opinion and Order dated November 21, 2003. Receipt of same acknowledged November 26, 2003.

April 23, 2004

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

April 30, 2004

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

May 21, 2004

The Board issued the following Order: "**AND NOW**, this day of May, 2004, upon receipt of a Praecipe to Settle, Discontinue and End, filed by counsel for Plaintiff, Integrated Technical Services, Inc., requesting the Board to '. . . mark the above matter settled, discontinued and ended', and docketed with this Board under date of April 30, 2004, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked 'settled, discontinued and ended with prejudice'." Copy forwarded Plaintiff and Defendant.

May 27, 2004

Plaintiff filed Acceptance of Service of Order dated May 21, 2004.
Receipt of same acknowledged May 24, 2004.

June 14, 2004

Defendant filed Acceptance of Service of Order dated May 21, 2004.
Receipt of same acknowledged June 7, 2004.

CLOSED