

Docket Number: 3485

DON E. BOWER, INC.

James W. Kutz, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~  
Jeffrey W. Davis, Assistant Counsel

**CLOSED**

**April 23, 2002**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: in excess of \$725,000.

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**April 25, 2002**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT MAY 27, 2002

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**April 30, 2002**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 26, 2002.

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**May 28, 2002**

Answer with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 27, 2002**

Notice of Service of Plaintiff's First Request for Production of Documents Directed to Defendant and Plaintiff's First Set of Interrogatories Directed to Defendant filed by attorney for Plaintiff.

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**June 27, 2002**

Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 27, 2002**

Plaintiff filed Notice of Service of Plaintiff's First Request for Production of Documents Directed to Defendant and First Set of Interrogatories Directed to Defendant.

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**June 28, 2002**

Letter forwarded to parties directing parties to commence with discovery.

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**January 13, 2003**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 12, 2003**.

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**January 17, 2003**

Status Letter received from attorney for Defendant advising of the parties= discovery process and further advises that they anticipate that several depositions may be necessary.

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**February 11, 2003**

Letter received from Plaintiff advising of the parties= discovery process and advising that Plaintiff anticipates that a few brief depositions will be required. They further anticipate being able to complete same in the next several months, and will request the Board for a hearing thereafter.

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**November 26, 2003**

Board issued letter to parties requesting a Status Report. Status Report due on or before December 26, 2003.

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**December 5, 2003**

Defendant filed Letter-type Status Report advising of the parties discovery proceedings. Copy forwarded to Plaintiff.

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**September 13, 2004**

Board issued letter to parties requesting a Status Report. Status Report due on or before October 13, 2004.

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**November 1, 2004**

Plaintiff filed letter advising that they have completed most or all of the discovery it intends to conduct and is hopeful that all discovery will be complete within the next few months and the parties will request that the matter be listed for trial sometime during early 2005.

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**May 9, 2005**

Board issued Scheduled Order. Order as follows: "**AND NOW**, this 9th day of May, 2005, it is hereby **ORDERED** and **DECREED** as follows: 1. All depositions and discovery shall be completed by September 30, 2005\*, and any expert reports shall be exchanged at least thirty (30) days preceding the completion of discovery; 2. Pre-Trial Statements of each party shall be filed with the Board and served upon the other party no later than October 31, 2005; 3. A Pre-Trial Conference is scheduled for Wednesday,

November 30, 2005, at 10:00 a.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7<sup>th</sup> Floor, Harrisburg, PA 17101; 4. The last day for filing pre-trial motions is December 15, 2005\*; and 5. This matter is set for hearing before a panel of the Board of Claims beginning on Monday, February 6, 2006, and running through Wednesday, February 8, 2006, as necessary. The hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101 in Courtroom No. 2 commencing at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

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**May 13, 2005**

Defendant filed Acceptance of Service of Scheduling Order dated May 9, 2005. Receipt of same acknowledged May 11, 2005.

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**December 12, 2005**

Plaintiff filed Praecipe to Discontinue. Copy forwarded to Defendant.

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**December 13, 2005**

Board rendered an Order. Order as follows: "**AND NOW**, this 13<sup>th</sup> day of December, 2005, upon receipt of a Praecipe to Discontinue, executed by James W. Kutz, Esquire, on behalf of Plaintiff, Don E. Bower, Inc., requesting that the Board "Kindly mark the above-captioned proceeding as settled, discontinued and ended." docketed with this Board under date of December 12, 2005, it is **ORDERED** and **DECREED** that the above-captioned matter be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

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**December 16, 2005**

Plaintiff filed Acceptance of Service of Order dated December 13, 2005. Receipt of same acknowledged December 15, 2005.

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