

Docket Number: 3495

W.G. TOMKO & SONS, INC.

Jason A. Copley, Esquire
Stanley R. Gentile, Esquire
Renee Colbert, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Gregory Santero, Chief Counsel~~
~~Alice Miller, Assistant Counsel~~
Elizabeth A. O'Reilly, Assistant Counsel
David L. Narkiewicz, Assistant Chief Counsel

VS.

H. PLATT COMPANY

~~*Paula J. McDermott, Esquire~~
~~Kenneth L. Sable, Esquire~~

May 8, 2002

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$330,361.00+

May 13, 2002

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

May 17, 2002

Acceptance of Service of Claim received from Defendant. Receipt of same acknowledged May 14, 2002.

May 17, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged May 15, 2002.

June 12, 2002

Preliminary Objections as well as Brief in Support filed by Defendant.

July 10, 2002

Letter received from Plaintiff advising that the Plaintiff and Defendant negotiated an extension of time August 1, 2002 in which Plaintiff is to file their response to Defendant=s Preliminary Objections.

July 30, 2002

Letter from Plaintiff via fax advising that the Plaintiff and Defendant negotiated a second extension of time September 1, 2002 in which Plaintiff is to file their response to Defendant=s Preliminary Objections.

August 5, 2002

Letter received from Plaintiff requesting an additional 30-day extension until October 1, 2002, which to file Plaintiff's response to Defendant Preliminary Objections.

August 8, 2002

Letter forwarded to Plaintiff granting Plaintiff=s request for an additional 30-day extension until October 1, 2002, which to file Plaintiff=s response to Defendant=s Preliminary Objections.

September 27, 2002

Letter received from attorney for Plaintiff (via fax) requesting an additional fifteen (15) day extension until October 15, 2002, which to file Plaintiff=s response to Defendant=s Preliminary Objections.

September 30, 2002

Letter received from Plaintiff (via U.S. Mail) requesting an additional fifteen (15) day extension until October 15, 2002, which to file Plaintiff=s response to Defendant=s Preliminary Objections.

October 3, 2002

Letter forwarded to Plaintiff granting Plaintiff=s request for an ~~additional fifteen (15) day extension until October 15, 2002, which~~ to file Plaintiff=s response to Defendant=s Preliminary Objections.

October 15, 2002

Response of Plaintiff to Preliminary Objections of Defendant filed by Plaintiff.

November 5, 2002

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 5th day of November, 2002, upon consideration of the preliminary objections filed by defendant, Department of General Services and the opposition thereto filed by plaintiff, W.G. Tomko & Sons, Inc, **IT IS ORDERED** that the preliminary objections are **OVERRULED**. **FURTHER**, defendant is **ORDERED** to file a response to the complaint within thirty (30) days of the exit date of this order.≡ Copy forwarded to Plaintiff and Defendant.

November 14, 2002

Acceptance of Service of Opinion and Order dated November 5, 2002 received from Defendant. Receipt of same acknowledged November 6, 2002.

November 14, 2002

Acceptance of Service of Opinion and Order dated November 5, 2002 received from Plaintiff. Receipt of same acknowledged November 12, 2002.

December 4, 2002

Answer with New Matter filed by Defendant.

December 6, 2002

Letter forwarded to Plaintiff requesting response to Defendant=s New Matter.

January 23, 2003

Reply of Plaintiff to the New Matter of Defendant filed.

January 24, 2003

Letter forwarded to Plaintiff and Defendant directing the parties to commence with discovery.

February 21, 2003

Letter forwarded to parties directing parties to commence with discovery.

March 26, 2003

DGS filed Motion for Permission to Join H. Platt Company as an Additional Defendant in Docket No. 3495 as well as Brief in Support filed.

September 24, 2003

Board rendered Opinion and Order. Order as follows: **AAND NOW**, this 24th day of August, 2003, based upon the Motion of the original Defendant, Commonwealth of Pennsylvania, Department of General Services, and the failure of the Plaintiff, W.G. Tomko & Sons, Inc. to respond, the Motion of the original Defendant is hereby **GRANTED**. Plaintiff is granted leave to join H. Platt Company as an Additional Defendant.≡ Copy forwarded to Plaintiff and DGS.

***October 1, 2003**

Plaintiff filed letter-type withdrawal of appearance of John R. Wingerter, Esquire and entry of appearance of Paula J. McDermott, Esquire on behalf of Plaintiff.

October 2, 2003

DGS filed Acceptance of Service of Opinion and Order dated September 24, 2003. Receipt of same acknowledged September 26, 2003.

October 6, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated

September 24, 2003. Receipt of same acknowledged September 30, 2003.

****October 6, 2003**

Plaintiff filed entry of appearance of Paula J. McDermott, Esquire.

October 7, 2003

Plaintiff (John R. Wingerter, Esquire) filed Acceptance of Service of Opinion and Order dated September 24, 2003. Receipt of same acknowledged October 3, 2003.

October 7, 2003

Platt filed Acceptance of Service of Opinion and Order dated September 24, 2003. Receipt of same acknowledged October 3, 2003.

October 7, 2003

DGS filed Complaint Against Platt.

October 30, 2003

Platt filed Concurred in Motion for Enlargement of Time to File Responsive Pleading.

November 7, 2003

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 7th day of November, 2003, upon consideration of Additional Defendant, H. Platt Company's Concurred in Motion for Enlargement of Time to file responsive pleading, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED** and Additional Defendant's responsive pleading will be due on or before December 5, 2003.

November 17, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated November 7, 2003. Receipt of same acknowledged November 12, 2003.

November 14, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated November 7, 2003. Receipt of same acknowledged November 13, 2003.

December 8, 2003

Additional Defendant (Platt) filed Answer with New Matter, Crossclaims and Counterclaims to Defendant's Complaint.

January 13, 2004

Plaintiff filed Answer and New Matter to Additional Defendant=s (Platt) Counterclaim.

January 16, 2004

Additional Defendant (Platt) filed Answer to Plaintiff=s New Matter.

February 9, 2004

Additional Defendant (Platt) filed Praecipe for Withdrawal of Mary P. Patterson and Entry of Appearance of Kenneth L. Sable.

June 4, 2004

Plaintiff filed letter sent to Defendant outlining the remaining discovery which needs completed.

June 8, 2004

Defendant filed Reply to New Matter, Crossclaim and Counterclaim of Additional Defendant, H. Platt Company.

June 17, 2004

Additional Defendant, H. Platt, filed letter advising that the parties are in discovery and that depositions are planned for early this fall.

June 8, 2005

Additional Defendant, H. Platt, filed letter advising that the parties are still in discovery and that the process of scheduling depositions will begin shortly.

June 17, 2005

Plaintiff filed letter advising that the parties are still in the process of taking discovery and upon completion of discovery, the parties will schedule depositions.

June 22, 2005

Defendant filed Withdrawal of Appearance of Michael C. Barrett on behalf of Defendant and Entry of Appearance of Alice Miller on behalf of Defendant.

June 27, 2005

Defendant filed status by e-mail advising that the parties are in discovery and are currently discussing settlement.

October 24, 2005

Plaintiff filed Motion to Compel the Production of Documents, Overrule Objections and for Sanctions against Additional Defendant, Memorandum of Law in Support and Proposed Order.

January 4, 2006

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 4th day of January, 2006, upon consideration of the Motion of Plaintiff, W.G. Tomko & Sons, Inc., to Compel the Production of Documents, Overrule Objections and for Sanctions against Additional Defendant, H. Platt Company and brief in support thereof, it is **ORDERED** that Plaintiff's Motion is **GRANTED** in part and **DENIED** in part. The Additional Defendant, H. Platt Company, shall produce documents in response to Plaintiff's Request for Production of Documents Numbers 1, 5, 6, 8, 10, 23, and 24 within twenty (20) days of the exit date of this Order. HPC shall also produce documents in response to Plaintiff's Request for Production Number 3 pursuant to a confidentiality agreement acceptable to all parties or, failing same, shall identify each document withheld, provide a brief description of same and explain the privilege or other basis for withholding same within twenty (20) days of the exit date of this Order. Plaintiff's Motion for Sanctions is **DENIED** with leave to renew the motion if Additional Defendant H. Platt Company fails to comply with this Order." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Additional Defendant.

January 12, 2006

Defendant filed Acceptance of Service of Opinion and Order dated January 4, 2006. Receipt of same acknowledged January 9, 2006.

February 8, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated January 4, 2006. Receipt of same acknowledged January 31, 2006.

September 8, 2006

Plaintiff filed Praecipe for Appearance entering appearance of

Renee Colbert, Esquire, on behalf of Plaintiff.

November 13, 2006

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.

June 19, 2008

Plaintiff filed Praecipe to Discontinue case only between W.G. Tomko, Inc. and DGS.

June 30, 2008

Board forwarded letter to parties requesting praecipes to the counterclaim and crossclaims in this case.

July 22, 2008

Defendant filed letter advising that there was no settlement with H. Platt and that it will continue to pursue its claim against H. Platt.

July 30, 2008

H. Platt filed letter advising that it believes that the attempted dismissal of W.G. Tomko is inappropriate and opposes same.

August 18, 2008

Board forwarded letter to parties advising same as to the Board's intent with regard to Plaintiff's praecipe to discontinue the action between Plaintiff and Defendant.

August 27, 2008

Board rendered an Order. Order as follows: "**AND NOW**, this 27th day of August, 2008, upon receipt of a Praecipe executed by Renee Colbert, Esquire, on behalf of Plaintiff, W.G. Tomko, Inc., requesting that the Board mark its claim against Commonwealth of Pennsylvania, Department of General Services ("DGS") in the above-captioned matter discontinued and settled, docketed with this Board under date of June 19, 2008, it is hereby **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice regarding the claim of W.G. Tomko, Inc. against DGS only. The actions between DGS and H. Platt Company and H. Platt Company against W.G. Tomko will continue in the above docket." Copy forwarded to all parties of record.

September 2, 2008

Defendant filed Acceptance of Service of Order dated August 27, 2008. Receipt of same acknowledged August 29, 2008.

September 3, 2008

Additional Defendant filed Acceptance of Service of Order dated August 27, 2008. Receipt of same acknowledged August 29, 2008.

***March 23, 2009**

Additional Defendant filed Motion to Withdraw as Counsel Paula J. McDermott.

March 25, 2009

Board forwarded letter to counsel for Additional Defendant requesting contact information.

April 15, 2009

Plaintiff filed letter advising the Board of its address change.

March 7, 2019

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to parties.

March 18, 2019

US Postal Service returned mail forwarded to W.G. Tomko & Sons, Inc. due to attempted not known, unable to serve.

April 30, 2019

Board forwarded Opinion and Order. Order as follows: "**AND NOW**, this 30th day of April, 2019, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity." Copy forwarded to all parties of record.

May 3, 2019

H.Platt Company filed Acceptance of Service of Opinion and Order dated April 30, 2019. Receipt of same acknowledged May 2, 2019.

May 6, 2019

Defendant filed Acceptance of Service of Opinion and Order dated April 30, 2019. Receipt of same acknowledged May 1, 2019.

May 8, 2019

US Postal Service returned mail forwarded to W.G. Tomko & Sons, Inc. due to attempted not known, unable to serve.
