

Docket Number: 3523

BLACK MOUNTAIN, INC.

Jack H. France, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Gregory C. Santoro, Chief Counsel~~

~~Peter M. Good, Assistant Counsel~~

~~Trent Hargrove, Chief Counsel~~

Nancy Kippenhan, Assistant Chief Counsel

and

DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~

Gerald R. Schultz, Assistant Counsel

CLOSED

*** July 17, 2002**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$262,641.00 +

July 19, 2002

Copies of Claim forwarded to attorneys for Defendants and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANTS AUGUST 19, 2002.

July 25, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 22, 2002.

July 30, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 23, 2002.

August 16, 2002

Preliminary Objections to Plaintiff's Statement of Claim as well as Brief in Support of the Department's Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant (PennDOT). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 16, 2002

Letter received from attorney for Plaintiff confirming Plaintiff's agreement with Defendant, PennDOT, for Plaintiff to have a reasonable period of time in which to file an Amended Complaint in an attempt to eliminate Preliminary Objections filed by Defendant, PennDOT.

October 24, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before November 25, 2002.

November 22, 2002

Letter received from attorney for Defendant advising that he is awaiting the filing of Plaintiff's Amended Complaint.

November 22, 2002

Letter received from attorney for Plaintiff, via facsimile, advising that he will be filing an Amended Complaint, by mail, on Monday, November 25, 2002.

*** November 25, 2002**

Amended Complaint filed by attorney for Plaintiff. Amount of Claim: \$121,976.77 +.

December 3, 2002

The Board rendered an Opinion and made the following Order: ~~AND~~ **NOW**, this 3rd day of December, 2002, Defendant~~s~~, Commonwealth of Pennsylvania, Department of Transportation~~s~~ Preliminary Objections filed on August 16, 2002, are hereby declared and deemed **MOOT**. Defendants herein shall file appropriate pleadings to Plaintiff~~s~~ Amended Complaint within thirty (30) days from the exit date of this Order.@ Copy forwarded to attorney for Plaintiff, attorneys for Defendants and Chief Deputy Attorney General.

December 3, 2002

Copy of Amended Complaint forwarded to attorneys for Defendants and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANTS JANUARY 3, 2003.

December 9, 2002

Acceptance of Service of Opinion and Order dated December 3, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 5, 2002.

December 10, 2002

Acceptance of Service of Opinion and Order dated December 3, 2002 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 6, 2002.

December 10, 2002

Acceptance of Service of Amended Complaint received from attorney for Defendant (DGS). Receipt of same acknowledged by attorney for Defendant December 9, 2002.

December 10, 2002

Acceptance of Service of Amended Complaint received from Chief

Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 6, 2002.

December 23, 2002

Verification to Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendants by attorney for Plaintiff.

January 3, 2003

Acceptance of Service of Opinion and Order dated December 3, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 31, 2002.

January 31, 2003

Answer, New Matter and Counterclaim filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendants.

March 25, 2003

Letter forwarded to parties requesting a Status Report. Status Report due on or before **April 24, 2003**.

April 14, 2003

Reply to New Matter and Answer to Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

April 14, 2003

Notice of Service of Interrogatories filed by attorney for Plaintiff.

April 28, 2003

Defendant (DOT) filed letter advising that Defendant plans to commence with discovery in the near future. Copy forwarded to Plaintiff.

June 20, 2003

Defendant (DGS) filed Withdrawal of Appearance of Peter M. Good, Assistant Counsel, as well as Entry of Appearance of Trent Hargrove, Chief Counsel, on behalf of Defendant. Copy forwarded to Plaintiff.

August 4, 2003

Defendant (DGS) filed Praecipe to Enter Appearance of Nancy Kippenhan, Assistant Chief Counsel and Withdrawal of Appearance of Trent Hargrove, Chief Counsel, on behalf of Defendant.

September 8, 2003

Plaintiff filed Motion to Compel Answers to Interrogatories and Production of Documents Pursuant to BOC R.P. 402(b). Copy forwarded to Defendants.

September 10, 2003

Plaintiff filed Notice of Service of First Supplemental Request for Production of Documents. Copy forwarded to Defendants.

September 11, 2003

Defendants (DGS & DOT) filed a Response in Opposition to Plaintiff's Motion to Compel Answers to Interrogatories and Production of Documents Pursuant to BOC R.P. 402(b). Copy forwarded to Plaintiff.

October 1, 2003

Defendant (DOT) filed Notice of Service of Defendant's First Request for the Production of Documents.

October 17, 2003

Defendant (DOT) filed Notice of Service of Response to Plaintiff's First Supplemental Request for the Production of Documents.

October 17, 2003

Defendant (DOT) filed Notice of Service of Defendant's Responses to Interrogatories of Plaintiff Directed to Defendant.

October 24, 2003

Plaintiff filed Proposed Consent Order of Court, executed by parties. Copy forwarded to Defendants.

November 17, 2003

The Board issued Opinion and Order. Order as follows: **AND NOW**, this 17th day of November, 2003, upon consideration of the Plaintiff's Motion to Compel responses to discovery requests, the Defendants' Response thereto, the parties' subsequent consent to a discovery deadline of October 15, 2003, and that deadline having passed, Plaintiff's Motion to Compel is hereby declared and deemed MOOT.@ Copy forwarded to Plaintiff and Defendants.

November 24, 2003

Defendant (DGS) filed Acceptance of Service of Opinion and Order dated November 17, 2003. Receipt of same acknowledged November 19, 2003.

December 1, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated November 17, 2003. Receipt of same acknowledged November 21, 2003.

June 16, 2004

Board issued letters to parties requesting a Status Report. Status Report due on or before July 16, 2004.

June 30, 2004

Plaintiff filed Notice of Pending Settlement Pursuant to Rule 701 of the Board of Claims as well as a copy of the Settlement Agreement executed by Plaintiff and Defendants.

July 27, 2004

Defendant filed Stipulation Agreement and Order executed by all parties.

October 25, 2004

Plaintiff filed Notice of Finalized Settlement. Copy forwarded to Defendants.

October 29, 2004

Board issued Order. Order as follows: **"AND NOW**, this 29th day of October, 2004, upon receipt of a Notice of Finalized Settlement, which the Board views as a Praecipe to Discontinue, executed by Jack H. France, Esquire, on behalf of Plaintiff, Black Mountain, Inc., advising that ' . . . the terms of the settlement agreement of record . . . in the way of delivery material and all payments have been completed as of October 13, 2004.' docketed with this Board under date of October 25, 2004, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

November 5, 2004

Defendant (DOT) filed Acceptance of Service of Order dated October 29, 2004. Receipt of same acknowledged November 4, 2004.

November 8, 2004

Plaintiff filed Acceptance of Service of Order dated October 29, 2004. Receipt of same acknowledged November 4, 2004.
