

Docket Number: 3524

COLONIAL SURETY COMPANY

Larry L. Miller, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Gregory C. Santoro, Chief Counsel~~  
~~Stephen Busterra, Assistant Counsel~~  
~~Alice Miller, Assistant Counsel~~  
David L. Narkiewicz, Assistant Chief Counsel  
Tanya C. D'Amico, Senior Counsel

**July 24, 2002**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$50,000 +.

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**July 25, 2002**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT AUGUST 26, 2002.

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**July 31, 2002**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 29, 2002.

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**August 9, 2002**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 31, 2002.

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**August 20, 2002**

Preliminary Objections as well as Brief in Support of Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 18, 2002**

Answer of Colonial Surety Company to Preliminary Objections of Commonwealth of Pennsylvania, Department of General Services as well as Brief of Colonial Surety Company in Opposition to Defendant's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 25, 2003**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of April, 2003, upon consideration of Defendant's Preliminary Objections to the Plaintiff's Claim and the Answer of Colonial Surety Company to the Preliminary Objections of the Commonwealth of Pennsylvania, Department of General Services, it is **ORDERED** and **DECREED** that the Preliminary Objections are **OVERRULED**. Further, it is **ORDERED** and **DECREED** that all proceedings in this matter shall be stayed, pending the resolution of Docket No. 1957 Civil 2002 in Court of Common Pleas of Monroe County. The parties are further directed to provide the Board of Claims with a Status Report every 90 days while the stay is in effect.® Copy forwarded

to attorney for Plaintiff and attorney for Defendant.

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**May 1, 2003**

Acceptance of Service of Opinion and Order dated April 25, 2003 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 26, 2003.

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**May 2, 2003**

Acceptance of Service of Opinion and Order dated April 25, 2003 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 28, 2003.

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**July 29, 2003**

Plaintiff filed Status Report advising that a related action remains pending in Monroe County. Copy forwarded to Defendant.

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**August 8, 2003**

Defendant filed letter/Status Report advising that Defendant concurs with Plaintiff's Status Report, which advised that a related action remains pending in Monroe County, and adding that Plaintiff is in the process of attempting to join Giant Floor and Wall Covering Co. to said proceeding. Copy forwarded to Plaintiff.

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**September 30, 2003**

Plaintiff filed Status Report advising that the related action in Monroe County remains pending and that the parties are proceeding with discovery in that action.

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**January 5, 2004**

Plaintiff filed Status Report advising that the flooring subcontractor, Giant Floor, has answered its pleading and has furnished discovery responses. Copy forwarded to Defendant.

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**February 4, 2004**

Defendant filed Entry of Appearance of Alice Miller, Assistant Counsel, and Withdrawal of Appearance of Stephen Busterna, Assistant Counsel, on behalf of Defendant. Copy forwarded to Plaintiff.

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**April 26, 2004**

Plaintiff filed Status Report advising that the Department of General Services' action remains pending in Monroe County. Copy forwarded to Defendant.

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**April 26, 2005**

Letter forwarded to parties requesting a Status Report. Status Report due on or before **May 26, 2005**.

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**May 10, 2005**

Plaintiff filed Status Report advising that the status remains the same and Defendant refuses to dismiss the action that it filed in Monroe County. Copy forwarded to Defendant.

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**May 26, 2005**

Defendant filed Status Report advising that they continue to pursue this matter, are in the discovery phase, and plans to send Interrogatories to Plaintiff in the near future. Copy forwarded to Plaintiff.

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**July 28, 2005**

Defendant filed withdrawal of appearance of Alice Miller on behalf of Defendant. Copy forwarded to Plaintiff.

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**July 28, 2005**

Defendant filed an entry of appearance of David Narkiewicz and Tanya Lesko on behalf of Defendant. Copy forwarded to Plaintiff.

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**September 4, 2009**

Plaintiff filed Praecipe to Settle, Discontinue and End.

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**September 9, 2009**

Board rendered Praecipe Order. Order as follows: "**AND NOW**, this 9<sup>th</sup> day of September, 2009, upon receipt of a Praecipe executed by Larry L. Miller, Esquire, on behalf of Plaintiff, Colonial Surety Company, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of September 4, 2009, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

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**September 11, 2009**

Acceptance of Service of Order dated September 9, 2009 received from attorney for Defendant. Receipt of same acknowledged September 10, 2009.