

Docket Number: 3529

THE MOUNTBATTEN SURETY COMPANY, INC.,

and

HMS DREADNOUGHT, INC.

R. James Reynolds, Jr., Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Stephen S. Stokwicz, Assistant Counsel~~
~~Jeffrey W. Davis, Assistant Counsel~~

CLOSED

July 31, 2002

*Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$83,758.00+.

August 2, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT September 2, 2002.

August 8, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General dated August 2, 2002. Receipt of same acknowledged by Chief Deputy Attorney General August 5, 2002.

August 23, 2002

Letter/Extension of time received from Defendant requesting fifteen (15) days extension of time in which to file a responsive pleading. **RESPONSE DUE 9-18-02.**

August

Letter forwarded to attorney for Defendant granting their extension of time in which to file a responsive pleading. **RESPONSE DUE 9/18/02.**

September 5, 2002

Praecipe to Substitute Jurisdiction filed by attorney for Plaintiff.

September 25, 2002

Letter received from attorney for Defendant requesting an extension of time until October 10, 2002, in which to file a response to Plaintiff's Complaint. **RESPONSE DUE 10/10/02.**

September 30, 2002

Letter forwarded to Defendant granting their extension of time until October 10, 2002, in which to file their responsive pleading. **Response due 10/10/02.**

October 10, 2002

Letter received from attorney for Plaintiff advising that the parties mutually agree to a thirty (30) day suspension of the October 10, 2002 deadline for Defendant, to file its responsive pleading in the above matter.

November 8, 2002

Letter received from attorney for Defendant advising that the parties mutually agree to a thirty day suspension of the November 12, 2002, deadline to and including December 12, 2002, in order for Defendant to file its responsive pleading in the above referenced matter.

December 12, 2002

Letter received from attorney for Defendant advising that the parties have mutually agreed to a twenty (20) day suspension of the December 12, 2002, deadline, to and including January 9, 2003. Defendant is to file its responsive pleading in the above-referenced action.

January 9, 2003

Letter received from attorney for Plaintiff advising that they intend to file an Amended Claim with the Board. Plaintiff does not anticipate that PennDOT will oppose the filing of their Amended Claim.

January 23, 2003

Proposed Order, Motion for Leave to Amend Claim and to Join the Mountbatten Surety Company, Inc., as a Plaintiff as well as Plaintiff HMS Dreadnought, Inc.=s Brief in Support of Motion for Leave to Amend Claim and to Join the Mountbatten Surety Company, Inc., as a Plaintiff filed by attorney for Plaintiff.

February 27, 2003

Proposed Order and letter received from attorney for Plaintiff advising that Defendant has not filed their response to Plaintiff=s Motion for Leave to Amend Claim and to join the Mountbatten Surety Company. Plaintiff further requests that the Board enter an Order granting their Motion filed by attorney for Plaintiff.

March 26, 2003

The Board rendered an Opinion and made the following Order: **AND NOW**, this 26th day of March, 2003, it is **ORDERED** that Plaintiff, HMS Dreadnought, Inc.=s Motion For Leave to Amend Claim and to Join the Mountbatten Surety Company, Inc., as a Plaintiff is **GRANTED**, and leave is given to HMS Dreadnought, Inc., to file an Amended Claim and to join the Mountbatten Surety Company, Inc., as a

Plaintiff. Copy forwarded to attorney for Plaintiff and Defendant.

March 27, 2003

*Amended Statement of Claim of The Mountbatten Surety Company, Inc., and HMS Dreadnought, Inc., filed by attorney for Plaintiff. Amount of Claim: Unchanged.

March 28, 2003

Copy of Amended Claim of The Mountbatten Surety Company, Inc., and HMS Dreadnought, Inc., forwarded to attorney for Defendant and Chief Deputy Attorney General. **RESPONSE DUE FROM DEFENDANT (April 22, 2003).**

April 7, 2003

Acceptance of Service of Amended Claim filed by attorney for Plaintiff dated March 28, 2003. Receipt of same acknowledged by attorney for Plaintiff April 1, 2003.

April 16, 2003

Answer and New Matter filed by attorney for Defendant. **Reply/Response, etc. due from Plaintiff 5/5/03.**

April 28, 2003

Plaintiff filed Reply to New Matter.

May 2, 2003

Letter forwarded to parties directing them to proceed with discovery.

June 6, 2003

Plaintiff filed Notice of Service of Plaintiffs The Mountbatten Surety Company, Inc.=s and HMS Dreadnought Inc.=s First Request for Production of Documents Directed to Defendant.

November 5, 2003

Board issued status letter to parties requesting a status report.

December 4, 2003

Plaintiff filed letter advising that they are currently in the process of reviewing Defendant=s documents.

November 3, 2004

Board issued a letter to parties directing them to file a status.

December 1, 2004

Plaintiff filed a status letter advising that discovery is on going and the case is not ready to be scheduled for trial. Defendant concurs with Plaintiff's letter.

January 11, 2006

Board issued letter to parties requesting a status report.

February 8, 2006

Plaintiff filed a letter advising that discovery is ongoing. Therefore, this matter is not ready for hearing.

February 15, 2007

Board issued letter to parties requesting a status report.

March 15, 2007

Plaintiff filed status report advising that ... "currently the parties are engaging in discussions with the intent to resolve this case without further litigation."

November 6, 2007

Defendant filed Praecipe for Entry of Appearance of Jeffrey W. Davis, Assistant Counsel, for the Department of Transportation.

January 31, 2008

Defendant filed Motion for Leave to File Amended Answer to Amended Claim with New Matter and Brief in Support.

February 1, 2008

Board issued letter to Plaintiff requesting response to Defendant's Motion.

March 3, 2008

Plaintiff filed Response to Defendant's Motion for Leave to file an Amended Answer with New Matter.

March 3, 2008

Plaintiff filed a Notice of Service of Plaintiff's Responses to Defendant's Requests for Production of Documents.

March 4, 2008

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 4th day of March, 2008, upon review of the filings in the above-captioned matter, including Plaintiffs advice that they do not oppose Defendant's motion for leave to file an amended answer with new matter, Defendant's motion is hereby **GRANTED**. Defendant is granted leave to file an amended answer with new matter to Plaintiffs' amended claim within 10 days from the exit date of this Order. Plaintiffs shall then have 20 days from their receipt of said amended answer and new matter to respond thereto." Copy forwarded to Plaintiff and Defendant.

March 7, 2008

Plaintiff filed Acceptance of Service of Opinion and Order dated March 4, 2008. Receipt of same acknowledged by Plaintiff on March 5, 2008.

March 19, 2008

Defendant filed Amended Answer to Amended Claim with New Matter.

March 24, 2008

Board forwarded letter to Plaintiff directing a response to New Matter.

April 7, 2008

Plaintiff filed Reply to New Matter.

April 8, 2008

Board forwarded letter to parties directing them to proceed with discovery.

October 15, 2010

Plaintiff filed Praecipe to Change Address of Counsel.

April 24, 2013

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

May 9, 2013

Plaintiff filed Praecipe to Discontinue.

May 10, 2013

Board rendered Order. Order as follows: "**AND NOW**, this 10th day of May, 2013, upon receipt of a Praecipe executed by R. James Reynolds, Jr., Esquire, on behalf of Plaintiff, The Mountbatten Surety Company, Inc., requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of May 9, 2013, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

May 17, 2013

Plaintiff filed Acceptance of Service of Order dated May 10, 2013. Receipt of same acknowledged May 13, 2013.
