

Docket Number: 3532

APOSTOLOU ASSOCIATES/ROSSER INTERNATIONAL, INC., a joint venture,
* on its own behalf and for the benefit of BRINJAC ENGINEERING,
INC. and WALTER P. MOORE, ENGINEERS AND CONSULTANTS

~~Robert J. Ray, Esquire~~
John P. Sieminski, Esquire
Benjamin Sorisio, Esquire
Ira L. Podheiser, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~Gregory C. Santoro, Chief Counsel~~
~~Jose E. Morales, Assistant Counsel~~
~~Stephen J. Busterna, Assistant Counsel~~
~~Alice Miller, Assistant Counsel~~
~~Michael C. Barrett, Senior Counsel~~
Harry R. Walter, III, Assistant Counsel
David L. Narkiewicz, Assistant Counsel

*** August 7, 2002**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: Not Specified.

August 8, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT September 9, 2002.

August 14, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 2002.

August 16, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 13, 2002.

September 18, 2002

Answer and New Matter filed by attorney for Defendant.

September 23, 2002

Board forwarded letter to Plaintiff requesting response to new matter.

October 7, 2002

Reply to New Matter filed by attorney for Plaintiff.

October 7, 2002

Board forwarded letter directing parties to proceed with discovery.

February 26, 2003

Praecipe to withdraw appearance of Jose E. Morales, Assistant Counsel, on behalf of Defendant and entry of appearance of Stephen J. Busterna, Assistant Counsel, on behalf of Defendant filed by attorney for Defendant.

May 2, 2003

Stipulation to Amend Exhibit B to Plaintiff's Complaint filed by attorney for Plaintiff and attorney for Defendant.

December 18, 2003

Board forwarded letter to parties requesting a status report.

January 20, 2004

Plaintiff and Defendant filed (via fax) a joint status report advising that the parties have been involved in ongoing discussions to attempt to resolve these matters and request they be allowed to file a follow-up status report by February 29, 2004.

January 23, 2004

Plaintiff and Defendant filed (via U.S. mail) a joint status report advising that the parties have been involved in ongoing discussions to attempt to resolve these matters and request they be allowed to file a follow-up status report by February 29, 2004.

February 4, 2004

Defendant filed a Praecipe to withdraw appearance of Stephen J. Busterna and enter appearance of Alice Miller on behalf of Defendant.

August 5, 2004

Board forwarded letter to parties requesting a status report.

September 8, 2004

Plaintiff filed (via fax) a status letter advising that Plaintiff has recently supplied Defendant with a number of documents for their review and request the Board to allow the parties to follow up with a further status report on September 30, 2004.

March 7, 2005

Plaintiff filed Motion for Leave to Amend Complaint and Brief in Support. Copy forwarded to Defendant.

March 8, 2005

Board forwarded letter to Defendant requesting response to motion for leave to amend.

April 1, 2005

Plaintiff filed Notice of Service of First Set of Interrogatories and Request for Production of Documents.

April 29, 2005

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 29th day of April, 2005, Plaintiff's motion to amend its complaint is **GRANTED**. Plaintiff shall file its amended complaint within twenty (20) days from the date of this Order. Thereafter, Defendant will be given twenty (20) days from the date of service to file a responsive pleading to the amended complaint." Copy forwarded to Plaintiff and Defendant.

May 3, 2005

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

May 6, 2005

Defendant filed Acceptance of Service of Opinion and Order dated April 29, 2005. Receipt of same acknowledged May 3, 2005.

May 6, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated April 29, 2005. Receipt of same acknowledged May 3, 2005.

*** May 11, 2005**

Plaintiff filed Amended Complaint and proof of mailing. Amount of Claim: Not Specified.

May 13, 2005

Board issued Acknowledgment letter and forwarded copy of Amended Claim to Attorney General.

May 18, 2005

Plaintiff filed Notice of Service of Reissued Interrogatories Directed to Defendant.

May 20, 2005

Attorney General filed Acknowledgment of Amended Claim form. Receipt of same acknowledged May 18, 2005.

May 31, 2005

Defendant filed Answer to Amended Complaint with New Matter.

June 1, 2005

Board forwarded letter to Plaintiff requesting response to new matter.

June 17, 2005

Plaintiff filed Reply to New Matter.

June 20, 2005

Board forwarded letter directing parties to proceed with discovery.

June 20, 2005

Defendant filed Notice of Service of Defendant's Answers to Reissued Interrogatories.

February 27, 2006

Plaintiff filed Substitution of Counsel without Leave of Court entering appearance of John P. Sieminiski, Esquire and Benjamin Sorisio, Esquire and withdrawing appearance of Robert J. Ray, Esquire, on behalf of Plaintiff.

January 9, 2007

Plaintiff filed letter (via facsimile) request that the Board schedule a status conference during the week of January 8, 2007.

January 11, 2007

Board forwarded letter to parties requesting scheduling information.

January 26, 2007

Plaintiff file (via facsimile) scheduling information.

January 26, 2007

Defendant filed Objections to the scheduling of this case.

January 29, 2007

Plaintiff filed letter (via facsimile) advising that Defendant's motion is scheduled for argument in Allegheny County on February 9, 2007.

January 29, 2007

Plaintiff file (via U.S. Mail) scheduling information.

January 30, 2007

Board forwarded letter to Plaintiff declining scheduling Order.

January 31, 2007

Plaintiff filed letter advising that Defendants in the related case pending in the Court of Common Pleas of Allegheny County have filed a Motion to Coordinate the case with the Board and transfer case to the Board for disposition.

March 13, 2008

Board forwarded letter to parties requesting status report.

April 14, 2008

Plaintiff filed status report requesting the Board reconsider its decision declining request to set a hearing date.

April 14, 2008

University of Pittsburgh filed status report requesting the Board maintain its position that judicial economy is best served by allowing the case to proceed in Allegheny County Court.

April 16, 2008

Plaintiff filed letter requesting additional time to provide the Board with a summary of the different claims and relief sought in the Board of Claims and the Allegheny County Court of Common Pleas.

April 17, 2008

Board forwarded letter to Plaintiff granting extension of time.

April 18, 2008

Defendant filed letter advising Board that it stands ready to provide input to the Board promptly and suggests that it be allowed until April 23, 2008 to do so.

April 21, 2008

Plaintiff filed letter advising that the University of Pittsburgh is not a party to the action before this Board and the case has been pending for over six years and Plaintiffs are entitled to have a hearing and a prompt resolution of this matter in the Board of Claims.

April 22, 2008

Board forwarded letter to Defendant granting until April 25, 2008 to file response to Plaintiff.

April 25, 2008

Defendant filed response to Plaintiff advising the Board that case should not be scheduled for hearing at this time.

April 29, 2008

Board forwarded second letter to Plaintiff declining scheduling Order.

April 9, 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.

June 13, 2013

Plaintiff filed Statement of Intention to Proceed.

December 26, 2014

Plaintiff filed Motion for Stay and Brief in Support.

December 29, 2014

Defendant filed Praecipe to Withdraw Appearance of Michael C. Barrett, Esquire, Gregory C. Santoro, Esquire and Alice Miller, Esquire and a Praecipe to Enter Appearance of Harry R. Walter, III, Esquire and David L. Narkiewicz, Esquire on behalf of Defendant.

December 29, 2014

Defendant filed letter advising that it does not oppose to Plaintiff's Motion for Stay.

January 5, 2015

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 5th day of January, 2015, it is hereby **ORDERED** and **DECREED** that this action be **STAYED** until further order of the Board. Apostolou/Rosser's counsel shall inform the Board of Claims when the civil action pending in the Allegheny County Court of Common Pleas, Pennsylvania, at Case Number G.D. 04-029063, is finally resolved and disposed of. Following final resolution of said civil action, either party may request the Board to lift this stay if and when it has reason to proceed further in this action." Copy forwarded to Plaintiff and Defendant.

January 8, 2015

Defendant filed Acceptance of Service of Opinion and Order dated January 5, 2015. Receipt of same acknowledged January 6, 2015.

January 8, 2015

Plaintiff filed Acceptance of Service of Opinion and Order dated January 5, 2015. Receipt of same acknowledged January 7, 2015.

July 25, 2016

Plaintiff filed Praecipe for Entry of Appearance entering the appearance of Ira L. Podheiser, Esquire on behalf of Plaintiff.

July 25, 2016

Plaintiff filed Praecipe to Discontinue.

July 26, 2016

Board rendered Order. Order as follows: "**AND NOW**, this 26th day of July, 2016, upon receipt of a Praecipe executed by Ira L. Podheiser, Esquire, on behalf of Plaintiff, Apostolou Associates/Rosser International, Inc., requesting that the Board mark the above-captioned matter discontinued, docketed with this Board under date of July 25, 2016, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

August 1, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated July 26, 2016. Receipt of same acknowledged July 28, 2016.

August 2, 2016

Defendant filed Acceptance of Service of Opinion and Order dated July 26, 2016. Receipt of same acknowledged July 28, 2016.
