

Docket Number: 3550

LOCKHEED MARTIN SERVICES, INC., individually and d/b/a as
Lockheed Martin Space Mission Systems and Services

Brett A. Schlossberg, Esquire
Ian R. Scheinmann, Esquire
Brian T. Feeney, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~
Gerald R. Schultz, Assistant Counsel

CLOSED

September 26, 2002

*Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$899,000.00+.

October 2, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 11/1/02.

October 9, 2002

Chief Deputy Attorney General filed Acknowledgment Claim form. Receipt of same acknowledged by Chief Deputy Attorney General October 3, 2002.

October 31, 2002

Preliminary Objections to Plaintiff's Complaint and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Response due from Plaintiff 12/4/02.**

November 25, 2002

Notice of Service of Plaintiff's First Request for Production of Documents filed by attorney for Plaintiff.

November 25, 2002

Notice of Service of Plaintiff's First Set of Interrogatories filed by attorney for Plaintiff.

December 3, 2002

Certificate of Service of Defendant's Response to Plaintiff's First Request for Production of Documents Directed to Defendant filed by attorney for Defendant.

December 9, 2002

Plaintiff Lockheed Martin Services, Inc.'s Answer to Defendant, The Department of Transportation, Commonwealth of Pennsylvania's Preliminary Objections to Plaintiff's Complaint and Memorandum of Law in Opposition filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 14, 2003

Attached is a copy of Defendant's letter to Plaintiff advising that the Department's First Request for the Production of Documents has been forwarded to Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 5, 2003

Defendant filed Certificate of Service of Defendant's Interrogatories Directed to Plaintiff (First Set). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 7, 2003

The Board rendered an Opinion and made the following Order: **AND NOW**, this 7th day of March, 2003, after review of Defendant's Preliminary Objections, Brief in Support thereof along with Plaintiff's Response, it is hereby **ORDERED** and **DECREED** that Defendant's Motion to Strike off Impertinent Matter is **DENIED**. Defendant's Motion for a More Specific Pleading relating to submittal delays and damage is **DENIED**. Defendant's Motion for a More Specific Pleading as it relates to alleged oral or implied contracts is **GRANTED** and Plaintiff shall, within thirty (30) days of the exit date of this Order file an Amended Claim. Copies forwarded to attorney for Defendant and Plaintiff.

March 7, 2003

Status letter received from Plaintiff advising that to date no information has been received from Defendant on Plaintiff's response to Defendant's P.O.s.

March 12, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated March 7, 2003. Receipt of same acknowledged by attorney for Plaintiff March 10, 2003,

March 17, 2003

Plaintiff filed Acceptance of Service of Opinion and Order dated March 7, 2003. Receipt of same acknowledged by attorney for Plaintiff March 12, 2003.

March 18, 2003

Defendant filed Acceptance of Service of Opinion and Order dated March 7, 2003. Receipt of same acknowledged by attorney for Defendant March 11, 2003.

March 27, 2003

Notice of Department's Second Request For the Production of Documents filed by attorney for Defendant.

April 7, 2003

*Amended Complaint filed by attorney for Plaintiff. Amount of Claim: Unchanged.

April 11, 2003

Copy of Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General. **Response due from Defendant 4-28-03.**

April 17, 2003

Chief Deputy Attorney General filed an Acceptance of Service of Amended Claim. Receipt of same acknowledged by Chief Deputy Attorney General April 14, 2003.

April 22, 2003

Defendant filed Acceptance of Service of Amended Claim dated April 11, 2003. Receipt of same acknowledged by attorney for Defendant April 15, 2003.

May 9, 2003

Defendant filed Department's Motion for Severance and Brief in Support of Department's Motion for Severance. Copy forwarded to Plaintiff.

June 9, 2003

Plaintiff filed letter advising the Board that counsel for the parties have agreed that Plaintiff will file a response to Defendant's Motion to Sever on or before June 16, 2003. Copy forwarded to Defendant.

June 16, 2003

Plaintiff filed Response to Defendant's Motion for Severance and Brief in Opposition to Defendant's Motion. Copies forwarded to Defendant.

July 21, 2003

Board issued an Opinion and made the following Order. Order as follows: **AND NOW**, this 21st day of July 2003. It is **ORDERED** and **DECREED** that Defendant's Motion for Severance is **DENIED**. Copy forwarded to Plaintiff and Defendant.

July 21, 2003

Plaintiff filed Notice to Plead. Copy forwarded to Defendant.

July 28, 2003

Plaintiff filed an Acceptance of Service of Opinion and Order dated July 21, 2003. Receipt of same acknowledged by Plaintiff July 24, 2003.

August 4, 2003

Defendant filed Answer and New Matter. Copy forwarded to Plaintiff.

August 8, 2003

Chief Deputy Attorney General filed an Acceptance of Service form for an Amended Claim. Receipt of same acknowledged by Chief Deputy Attorney General August 4, 2003.

October 23, 2003

Plaintiff filed Answer to New Matter. Copy forwarded to attorney for Defendant.

October 27, 2003

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

November 21, 2003

Defendant filed Notice of Interrogatories Directed to Plaintiff (Second Set) in the above-referenced matter.

January 8, 2004

Board issued three (3) subpoenas to the Plaintiff.

July 21, 2004

Board issued letter to parties requesting a status report.

August 19, 2004

Letter received from Defendant advising that the case is in the discovery phase of the litigation. Depositions will be scheduled for several Lockheed representatives.

August 26, 2004

Plaintiff filed a letter advising that a corporate-designee deposition has been taken from Defendant and DMJM & Harris. Plaintiff is currently preparing an expert report addressing damages, which will be completed and produced in the near future. Plaintiff requests that this matter be scheduled for hearing early this fall.

November 16, 2004

Defendant filed Fourth Request for the Production of Documents (w.o. encl.).

May 4, 2005

Board issued a letter to parties requesting them to file a status report.

June 8, 2005

Plaintiff filed a letter via fax advising that their fact discovery is complete. Defendants intend to take depositions of seven witnesses. Plaintiff anticipates that this matter will be trial-ready by September 1, 2005.

June 9, 2005

Defendant filed a letter advising that once depositions have been conducted, they will be ready to proceed to trial.

June 13, 2005

Plaintiff filed a letter via u.s. mail advising that their fact discovery is complete. Defendants intend to take depositions of seven witnesses. Plaintiff anticipates that this matter will be trial ready by September 1, 2005.

June 23, 2005

Defendant filed a proposed scheduling order. Copy forwarded to Plaintiff.

June 23, 2005

Plaintiff filed via facsimile proposed scheduling order. Copy forwarded to Defendant.

July 5, 2005

Plaintiff filed via U.S. Mail proposed scheduling order. Copy forwarded to Defendant.

July 12, 2005

Board issued a Scheduling Order. Order as follows: **AND NOW**, this 12th day of July, 2005, it is hereby ORDERED and DECREED as follows: 1. All depositions and discovery shall be completed by October 17, 2005*; 2. Pre-trial Statements of both parties shall be filed with the Board and served upon one another no later than October 24, 2005; 3. A Pre-Trial Conference is scheduled for Monday, November 7, 2005, at 2:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 4. The last day for filing Pre-Trial Motions is November 14, 2005; and 5, This matter is set for hearing beginning Tuesday, January 17, 2006, through Wednesday, January 19, 2006, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9:30 a.m. Copies forwarded to all parties of record.

July 22, 2005

Plaintiff filed Acceptance of Service of Scheduling Order dated July 12, 2005. Receipt of same acknowledged July 15, 2005.

November 7, 2005

Pre-Trial Conference held in Judge's Office.

January 17, 2006

Plaintiff filed a letter via fax advising that the parties have agreed upon a proposed settlement. As provided in rule 702 and on behalf of the parties Plaintiff will advise the Board of the conclusion of the settlement.

January 19, 2006

Plaintiff filed a letter via u.s. mail advising that parties have agreed upon a proposed settlement. As provided in rule 702 and on behalf of the parties Plaintiff will advise the Board of the conclusion of the settlement. Copy forwarded to Defendant.

January 30, 2006

Plaintiff filed letter via fax advising that the parties have concluded settlement of the above-referenced case. Copy forwarded to Defendant.

February 1, 2006

Plaintiff filed letter via u.s. mail advising that the parties have concluded settlement of the above-referenced case. Copy forwarded to Defendant.

February 3, 2006

Board issued a letter to Plaintiff directing them to forward a Praecipe to Discontinue and close the case. Copy forwarded to Defendant.

February 13, 2006

Plaintiff filed Praecipe to Discontinue. Copy forwarded to Defendant.

February 15, 2006

Board rendered Order. Order as follows: "**AND NOW**, this 15th day of February, 2006, upon receipt of a Praecipe to Discontinue, executed by Brett A. Schlossberg, Esquire, on behalf of Plaintiff, Lockheed Martin Services Inc., requesting that the Board "Kindly mark the above-captioned matter discontinued." docketed with this Board under date of February 13, 2006, it is **ORDERED** and **DECREED** that the above-captioned matter be marked 'discontinued and ended with prejudice.'"

February 27, 2006

Plaintiff filed Acceptance of Service of Order dated February 15, 2006. Receipt of same acknowledged February 23, 2006.

CLOSED