

Docket Number: 3558

SUSQUEHANNA AREA REGIONAL AIRPORT AUTHORITY

Todd J. Shill, Esquire  
Kevin M. Gold, Esquire  
Kathleen D. Bruder, Esquire  
Heather Z. Kelly, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Counsel~~  
~~Robert J. Shea, Assistant Chief Counsel~~  
~~Steven I. Roth, Assistant Counsel~~

**October 28, 2002**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$469,952.89+

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**November 4, 2002**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT OCTOBER 4, 2002.**

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**November 12, 2002**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 6, 2002.

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**December 4, 2002**

Preliminary Objections as well as Brief in Support filed by attorney for Defendant. Response due from Plaintiff January 6, 2003.

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**December 4, 2002**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 6, 2002.

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**January 3, 2003**

Plaintiff's Brief in Opposition to Preliminary Objections filed by attorney for Plaintiff.

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**January 7, 2003**

Plaintiff's Response to Defendant's Preliminary Objections to Plaintiff's Complaint filed by attorney for Plaintiff.

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**February 25, 2003**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of February, 2003, upon consideration of Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Preliminary Objections, it is hereby **ORDERED** and **DECREED** that Defendant's Preliminary Objections are **DISMISSED**. Defendant is directed to file their response to Plaintiff's Complaint within thirty (30) days from the date of this Order.®

Copy forwarded to attorneys for Plaintiff and attorneys for Defendant.

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**February 28, 2003**

Acceptance of Service of Opinion and Order dated February 25, 2003 received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff February 27, 2003.

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**March 26, 2003**

Defendant's Answer and New Matter filed. Response due from Plaintiff April 15, 2003.

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**April 9, 2003**

Plaintiff's Response to Defendant's New Matter filed by attorney for Plaintiff.

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**April 10, 2003**

Letter forwarded to parties directing parties to commence with discovery.

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**October 21, 2003**

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

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**December 11, 2003**

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

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**August 12, 2004**

Board forward letter to parties requesting status.

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**September 10, 2004**

Plaintiff filed letter advising that the parties are conducting discovery.

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**January 19, 2005**

Plaintiff filed Affidavit of Service of Deposition Notice and

Subpoena served upon Charles Hostetter.

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**October 26, 2005**

Plaintiff filed Motion for Summary Judgment and Brief in Support.

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**November 28, 2005**

Defendant filed Reply to Motion for Summary Judgment and Brief in Opposition.

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**November 28, 2005**

Defendant filed Affidavit of Robert J. Shea.

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**January 5, 2006**

Plaintiff filed Reply Brief in Support of Plaintiff's Motion for Summary Judgment.

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**January 9, 2005**

Board rendered an Opinion and Order. Order as follows: **"AND NOW, this 9<sup>th</sup> of January, 2006, upon consideration of Plaintiff's Motion for Summary Judgment, it is hereby ORDERED and DECREED that Plaintiff's Motion for Summary Judgment is DENIED."** Copy forwarded to Plaintiff and Defendant.

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**January 18, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated January 9, 2006. Receipt of same acknowledged January 13, 2006.

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**June 28, 2006**

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

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**March 19, 2007**

Defendant filed a Certificate of Service and Notice of Deposition of John Ward, David McIntosh, David Holdsworth, Eric

Clancy, David Carver and Jack Hurley, Jr., Esquire.

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**March 26, 2007**

Defendant filed a Certificate of Service of a Subpoena and Notice of Deposition served on Barbara Layne, Robert Frazier, Esquire, Judith Brown Schimmel, Esquire and Clifford Jones.

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**March 26, 2007**

Defendant filed Notice of Service of Subpoenas and Notice of Depositions.

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**April 23, 2007**

Defendant filed a Certificate of Service of a Subpoena and Notice of Deposition served on Timothy Tate.

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**November 19, 2007**

Plaintiff filed Motion for Protective Order/Motion to Quash and Scheduling Order. [04A010408D]

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**November 26, 2007**

Board forwarded letter to Plaintiff requesting Brief in Support. Copy forwarded to Defendant.

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**November 26, 2007**

Board forwarded letter to Defendant requesting a response to Plaintiff's Motion for Protective Order/Motion to Quash and Scheduling Order. Copy forwarded to Plaintiff.

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**November 27, 2007**

Board forwarded letter to parties requesting proposed scheduling orders.

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**December 4, 2007**

Plaintiff filed Brief in Support of Motion for Protective Order/Motion to Quash and Scheduling Order.

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**December 6, 2007**

Plaintiff filed Proposed Scheduling Order.

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**December 13, 2007**

Defendant filed Proposed Scheduling Order.

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**January 3, 2008**

Defendant filed Answer to Claimant's Motion for Protective Order/Motion to Quash and Scheduling Order and Brief in Opposition.

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**January 10, 2008**

Plaintiff filed letter via facsimile requesting that the Board defer ruling on the Motion for Protective Order/Motion to Quash as the parties believe they will be able to work out an amicable resolution for the discovery dispute. They are also withdrawing their objection to Jeff Ludwig's deposition and will notify the Board after the January 22, 2008 depositions of Randy Hicks and George Hamilton as to whether they have reached an agreement as to whether PennDOT should be permitted to proceed with SARAA employee Jon Lehman's deposition.

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**January 11, 2008**

Plaintiff filed letter requesting that the Board defer ruling on the Motion for Protective Order/Motion to Quash as the parties believe they will be able to work out an amicable resolution for the discovery dispute. They are also withdrawing their objection to Jeff Ludwig's deposition and will notify the Board after the January 22, 2008 depositions of Randy Hicks and George Hamilton as to whether they have reached an agreement as to whether PennDOT should be permitted to proceed with SARAA employee Jon Lehman's deposition.

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**January 15, 2008**

Board issued Order. Order as follows: **"AND NOW**, this 15th day of January, 2008, it is hereby **ORDERED** and **DECREED** as follows: 1.The last day for plaintiff's expert report, if any, to be

provided to defendant is April 30, 2008<sup>1</sup>; 2. The last day for defendant's expert report, if any, to be provided to plaintiff is May 30, 2008<sup>1</sup>; 3. All discovery, including exchange of expert rebuttal reports, shall be completed by June 30, 2008<sup>2</sup>; 4. The last day for filing pre-trial motions is July 16, 2008<sup>2</sup>; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than August 22, 2008 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Tuesday, September 9, 2008 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Wednesday, October 15, 2008 and running through Wednesday, October 29, 2008, or 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. Copy forwarded to Plaintiff and Defendant.

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**January 22, 2008**

Plaintiff filed Acceptance of Service of Scheduling Order dated January 15, 2008. Receipt of same acknowledged on January 21, 2008.

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**January 22, 2008**

Defendant filed Acceptance of Service of Scheduling Order dated January 15, 2008. Receipt of same acknowledged on January 18, 2008.

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**April 3, 2008**

Board issued letter to parties requesting response to Plaintiff's Motion for Protective Order/Motion to Quash.

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**April 22, 2008**

Board issued Opinion and Order. Order as follows: **"AND NOW, this 22<sup>nd</sup> day of April, 2008, Plaintiff's Motion for Protective Order/Motion to Quash is hereby DENIED as MOOT."** Copy forwarded to Plaintiff and Defendant.

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**April 25, 2008**

Defendant filed Acceptance of Service of Opinion & Order dated April 22, 2008. Receipt of same acknowledged on April 23, 2008.

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**April 29, 2008**

Plaintiff filed Acceptance of Service of Opinion & Order dated April 22, 2008. Receipt of same acknowledged on April 24, 2008.

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**August 26, 2008**

Plaintiff transmitted letter via facsimile stating that the parties have settled and they will soon file a Praecipe to Discontinue.

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**September 5, 2008**

Plaintiff filed a letter stating that the parties have settled and they will soon file a Praecipe to Discontinue.

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**September 5, 2008**

Plaintiff and Defendant filed a Joint Praecipe to Discontinue with Prejudice.

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**September 8, 2008**

Board rendered Order. Order as follows: **"AND NOW**, this 8<sup>th</sup> day of September, 2008, upon receipt of a Praecipe executed by Kathleen D. Bruder, Esquire, on behalf of Plaintiff, Susquehanna Area Regional Airport Authority and Steven I. Roth, Assistant Chief Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation, requesting that the Board mark the above-captioned matter settled and closed, docketed with this Board under date of September 5, 2008, 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 16, 2008**

Plaintiff filed Acceptance of Service of Order dated September 8, 2008. Receipt of same acknowledged on September 15, 2008.

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