

(CONSOLIDATED WITH DOCKET NO. 3714)

Docket Number: 3601

ROSS BIANCO ARCHITECTS, P.C.

Roy A. Powell, Esquire (Jones Day Law Firm)  
David T. Miller, Esquire (Jones Day Law Firm)

James W. Creenan, Esquire  
(Wayman, Irvin & McAugley, LLC)

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF REVENUE SERVICES

~~Trent Hargrove, Chief Counsel~~  
~~Stephen J. Busterna, Assistant Counsel~~  
~~Alice Miller, Assistant Counsel~~  
~~Michael C. Garrett, Senior Counsel~~

**March 21, 2003**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: in excess of \$300.00+.

---

**March 25, 2003**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT April 29, 2003.

---

**March 31, 2003**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 27, 2003.

---

**April 25, 2003**

Department of General Services= Answer to Plaintiff=s Complaint with New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff=s Reply due May 15, 2003.**

---

**\* May 28, 2003**

Plaintiff filed Entry of Appearance of James W. Creenan, Esquire, as an additional counsel for Ross Bianco Architects, P.C. on the Counterclaims filed by DGS. Copy forwarded to Defendant.

---

**May 28, 2003**

Plaintiff filed Ross Bianco Architects, P.C.=s Answer to Respondent=s New Matter. Copy forwarded to Defendant.

---

**May 28, 2003**

Plaintiff filed Preliminary Objections to DGS= Counterclaim and Brief in Support of Preliminary Objections to DGS= Counterclaim. Copy forwarded to Defendant.

---

**July 21, 2003**

Defendant filed Department of General Services= Amended Answer to Plaintiff=s Complaint and New Matter, and deleted Counterclaim. Copy forwarded to Plaintiff.

---

**August 13, 2003**

Plaintiff filed Answer to Defendant=s Amended New Matter. Copy

forwarded to Defendant.

---

**September 2, 2003**

Board issued Opinion and Order. Order as follows: ~~AND NOW~~, this 2nd day of September, 2003, it is **ORDERED** and **DECREED** that Plaintiff's Preliminary Objections to Defendant's Counterclaim are declared to be **MOOT**.@ Copy forwarded to Plaintiff and Defendant.

---

**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.

---

**July 30, 2004**

Plaintiff filed Motion to Consolidate Docket No. 3714 with Docket No. 3601 (in Docket No. 3714). Copy forwarded to Defendant.

---

**August 12, 2004**

Board issued letter to parties requesting a Status Report.

---

**August 16, 2004**

Plaintiff filed Brief in Support of Motion to Consolidate Docket No. 3714 with Docket No. 3601 (in Docket No. 3714) and Proposed Order via facsimile. Copy forwarded to Defendant.

---

**August 18, 2004**

Plaintiff filed Brief in Support of Motion to Consolidate Docket No. 3714 with Docket No. 3601 (in Docket No. 3714) and Proposed Order via U.S. Mail. Copy forwarded to Defendant.

---

**September 13, 2004**

Plaintiff filed status letter, via facsimile, advising why Dockets 3601 and 3714 should be consolidated and further advised that once consolidated, Plaintiff intends to commence with discovery immediately.

---

**September 15, 2004**

Plaintiff filed status letter, via U.S. Mail, advising why Dockets 3601 and 3714 should be consolidated and further advised

that once consolidated, Plaintiff intends to commence with discovery immediately.

---

**September 24, 2004**

Board issued Opinion and Order. Order as follows: "AND NOW, this 24<sup>th</sup> day of September, 2004, upon consideration of the Plaintiff's, Ross Bianco Architects, P.C., Motion to Consolidate, and after reviewing Plaintiff's Brief and receiving no comment from the Defendant, Commonwealth of Pennsylvania, Department of General Services, it is hereby **ORDERED** and **DECREED** that the Board of Claims Docket No. 3714 and Board of Claims Docket No. 3601 are consolidated for all purposes under Board of Claims Docket No. 3601." Copy forwarded to Plaintiff and Defendant.

---

**October 1, 2004**

(All) Defendant filed Acceptance of Service of Opinion and Order dated September 24, 2004. Receipt of same acknowledged September 30, 2004.

---

**October 12, 2004**

(All) Plaintiff (Powell) filed Acceptance of Service of Opinion and Order dated September 24, 2004. Receipt of same acknowledged October 6, 2004.

---

**November 30, 2004**

(Old Docket No. 3714) Defendant filed letter requesting 10 days from November 30, 2004 in which to respond to Plaintiff's Preliminary Objections to Defendant's Counterclaim.

---

**December 10, 2004**

(Old Docket No. 3714) Defendant filed Reply to Plaintiff's Preliminary Objections as well as Brief in Support of Defendant's Reply to Plaintiff's Preliminary Objections. Copy forwarded to Plaintiff.

---

**December 20, 2004**

(All) Plaintiff filed, via facsimile, Motion to Compel Discovery. Copy forwarded to Defendant.

---

**December 20, 2004**

(All) Plaintiff filed, via U.S. Mail, Motion to Compel Discovery. Copy forwarded to Defendant.

---

**January 10, 2005**

(Old Docket No. 3714) Plaintiff filed Supplemental Brief in Support of Preliminary Objections to DGS' Counterclaim. Copy forwarded to Defendant.

---

**January 19, 2005**

(All) Defendant filed Response and Objections to Motion to Compel Discovery as well as Brief in Support of Response in Opposition to Plaintiff's Motion to Compel Discovery. Copy forwarded to Plaintiff.

---

**January 21, 2005**

(Old Docket No. 3714) Defendant filed Brief in Opposition to Claimant's Supplemental Brief in Support of Preliminary Objections to DGS' Counterclaim. Copy forwarded to Plaintiff.

---

**February 9, 2005**

Plaintiff filed, via facsimile, Reply to Department's Response to Motion to Compel Discovery. Copy forwarded to Defendant.

---

**February 14, 2005**

Plaintiff filed, via U.S. Mail, Reply to Department's Response to Motion to Compel Discovery. Copy forwarded to Defendant.

---

**February 22, 2005**

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 22<sup>nd</sup> day of February, 2005, after review of Plaintiff's Motion to Compel Discovery and Brief in Support thereof, along with Plaintiff's Response and Defendant's sole response, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Compel Discovery is **DENIED**; however, the following discovery schedule is set: 1. Plaintiff's initial discovery requests are ruled to be invalid.

2. Plaintiff shall serve on Defendant not more than sixty (60) interrogatories pursuant to Board Rules or apply to the Board and show good cause for permission to file more than sixty (60) interrogatories in accordance with Board of Claims Rule of Procedure 403. 3. Plaintiff shall review its request for production of documents and resubmit those requests Plaintiff believes are relevant, pursuant to the Pennsylvania Rules of Civil Procedure. 4. Plaintiff shall file a notice of service with the Board for all discovery, including depositions by oral examination, pursuant to Board of Claims Rule of Procedure 401 (e) and (f). 5. Defendant shall answer or object to Plaintiff's discovery requests within the timelines set forth in Pennsylvania Rule of Civil Procedure 4006 and 4009.12." Copy forwarded to Plaintiff and Defendant.

---

**February 22, 2005**

(Old Docket No. 3714) Board issued Opinion and Order. Order as follows: "**AND NOW**, this 22<sup>nd</sup> day of February, 2005, Plaintiff's Preliminary Objections one, two, four and five are **OVERRULED**. Plaintiff's third Preliminary Objection is **GRANTED**, however, Defendant is granted leave to file an amended counterclaim and certificate of merit within thirty (30) days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

---

**February 25, 2005**

Defendant filed Acceptance of Service of two Opinion and Orders of February 22, 2005. Receipt of same acknowledged February 23, 2005.

---

**March 24, 2005**

(Old Docket No. 3714) Defendant filed Answer, New Matter and Counterclaim (and Certificate of Merit) in compliance with Board Opinion and order of February 22, 2005. Copy forwarded to Plaintiff.

---

**April 13, 2005**

Plaintiff filed, via facsimile, Second Preliminary Objections to DGS' Counterclaim and Brief in Support. Copy forwarded to Defendant.





**April 13, 2005**

Plaintiff filed, via facsimile, Praecipe for Entry of Judgment of Non Pros Pursuant to Rule 1042.6 and Proof of Mailing. Copy forwarded to Defendant.

---

**April 15, 2005**

(Old Docket No. 3714) Plaintiff filed, via U.S. Mail, Second Preliminary Objections to DGS' Counterclaim and Brief in Support. Copy forwarded to Defendant.

---

**April 15, 2005**

Plaintiff filed, via U.S. Mail, Praecipe for Entry of Judgment of Non Pros Pursuant to Rule 1042.6 and Proof of Mailing. Copy forwarded to Defendant.

---

**May 13, 2005**

(Old Docket No. 3714) Defendant filed Answer to Plaintiff's Second Preliminary Objections to DGS' Counterclaim; Brief in Opposition to Plaintiff's Second Preliminary Objections; as well as Certificate of Merit as to Ross Bianco Architects, Inc. Copy forwarded to Plaintiff.

---

**June 9, 2005**

(Old Docket No. 3714) Board issued Opinion and Order. Order as follows: "**AND NOW**, this 9<sup>th</sup> day of June, 2005, after receipt and review of Plaintiff's Second Set of Preliminary Objections, and Defendant's response thereto, it is hereby **ORDERED** and **DECREED** that the Preliminary Objections are **GRANTED** and Defendant's Counterclaim is **DISMISSED**." Copy forwarded to Plaintiff and Defendant.

---

**June 17, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated June 9, 2005. Receipt of same acknowledged June 10, 2005.

---

**June 20, 2005**

Plaintiff (Powell) filed Acceptance of Service of Opinion and Order dated June 9, 2005. Receipt of same acknowledged by Plaintiff June 16, 2005.

---

**April 10, 2006**

Plaintiff filed Motion for Judgment on the Pleadings and Brief in Support of Motion for Judgment on the Pleadings. Copy forwarded to Defendant. [09A050906D]

---

**April 11, 2006**

Board issued letter to Defendant directing them to file a response and supporting brief. Copy forwarded to Plaintiff.

---

**May 8, 2006**

Defendant filed Answer to Plaintiff's Motion for Judgment on the Pleadings and Brief in Opposition. Copy forwarded to Plaintiff.

---

**May 26, 2006**

Plaintiff filed Brief in Reply to Respondent Department of General Services' Brief in Opposition to Claimant's Motion for Judgment on the Pleadings. Copy forwarded to Defendant.

---

**June 12, 2006**

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 12<sup>th</sup> day of June, 2006, after receipt and review of Plaintiff's Motion for Judgment on the Pleadings and Defendant's Response thereto, it is hereby **ORDERED** and **DECREED** that the Plaintiff's Motion is **DENIED** and **DISMISSED**. Copy forwarded to all parties of record.

---

**June 15, 2006**

Defendant filed Acceptance of Service of Opinion and Order dated June 12, 2006. Receipt of same acknowledged June 14, 2006.

---

**May 17, 2007**

Board issued letter to parties requesting a status report.

---

**June 29, 2007**

Plaintiff filed a status letter advising that the parties have reached an agreement to resolve this case. Copy forwarded to Defendant.

---

**July 6, 2007**

Plaintiff and Defendant filed Praecipe to Settle and Discontinue.

---

**July 12, 2007**

Board issued an Order. Order as follows: **AND NOW**, this 12th day of July, 2007, upon receipt of a Praecipe executed by James W. Creenan, Esquire, and Roy A. Powell, Esquire, on behalf of Plaintiff, Ross Bianco Architects, P.C., and Michael Barrett, Esquire, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services, requesting that the Board mark the above entitled case settled and discontinued, filed with this Board under date of July 6, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice. Copy forwarded to all parties.

---

**July 16, 2007**

Acceptance of Service of Order dated July 12, 2007. Receipt of same acknowledged by Defendant July 13, 2007.

---

**July 23, 2007**

Plaintiff filed Acceptance of Service of Order dated July 12, 2007. Receipt of same acknowledged by Plaintiff July 17, 2007.