

Docket Number: 3627

AMTHOR STEEL, INC.

~~Harry D. Martin, Esquire~~  
~~Lisa M. Wampler, Esquire~~  
~~Jason A. Copley, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Trent Hargrove, Counsel~~  
~~Elizabeth A. O'Reilly, Assistant Counsel~~  
~~Michael C. Barnett, Senior Counsel~~  
~~David L. Nardiewicz, Assistant Chief Counsel~~

**\*May 12, 2003**

Plaintiff filed Claim and filing fee. Amount of Claim: \$780,855.00+.

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**May 14, 2003**

Board forwarded copy of Claim to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 6/18/03.

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**May 20, 2003**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 16, 2003.

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**June 25, 2003**

Defendant filed Commonwealth's Answer with New Matter and Counterclaim. Copy forwarded to Plaintiff. **Response due from Plaintiff July 15, 2003.**

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**July 14, 2003**

Plaintiff filed Plaintiff's Answer to New Matter and Counterclaim. Copy forwarded to Defendant.

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**January 26, 2004**

Plaintiff filed a Substitution of Counsel withdrawing Harry S. Martin, Esquire and entering Lisa M. Wampler, Esquire on behalf of Plaintiff. Copy forwarded to Defendant.

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**March 17, 2004**

Plaintiff filed a letter requesting the Board to include Jason A. Copley, Esquire as co-counsel for Plaintiff. Copy forwarded to Defendant.

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**May 7, 2004**

Plaintiff filed Notice of Service of Plaintiff's Objections and Answers to Interrogatories.

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**May 7, 2004**

Plaintiff filed Notice of Service of Plaintiff's Objections and Responses to Request for Production of Documents.

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**August 18, 2004**

Plaintiff filed Motion to Amend its Statement of Claim, Memorandum of Law in Support and Proposed Order. Copy forwarded to Defendant.

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**September 22, 2004**

Defendant filed Reply to Motion for Leave to Amend Complaint and Opposing Brief. Copy forwarded to Plaintiff.

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**October 8, 2004**

Plaintiff filed Reply Brief in Support of the Motion of Plaintiff for Leave to Amend Its Statement of Claim. Copy forwarded to Defendant.

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**October 28, 2004**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 28<sup>th</sup> day of October, 2004, it is **ORDERED** and **DECREED** that Amthor Steel, Inc.'s Motion for Leave to Amend its Statement of Claim is **GRANTED**. The Plaintiff, Amthor Steel, Inc. is given twenty (20) days from the exit date of this Order to file its Amended Statement of Claim." Copy forwarded to Plaintiff and Defendant.

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**November 3, 2004**

Plaintiff (Wampler) filed Acceptance of Service of Opinion and Order dated October 28, 2004. Receipt of same acknowledged November 1, 2004.

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**November 5, 2004**

Plaintiff (Copley) filed Acceptance of Service of Opinion and Order dated October 28, 2004. Receipt of same acknowledged November 2, 2004.

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**\*November 5, 2004**

Plaintiff filed Amended Claim and Proof of Mailing. Amount of Claim: \$2,048,099.20+.

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**November 8, 2004**

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

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**November 16, 2004**

Attorney General filed Acknowledgment form of Amended Claim. Receipt of same acknowledged November 10, 2004.

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**December 6, 2004**

Defendant filed Preliminary Objections to Amended Claim and Brief in Support. Copy forwarded to Plaintiff.

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**December 7, 2004**

Defendant filed Acceptance of Service of Opinion and Order dated October 28, 2004. Receipt of same acknowledged October 29, 2004.

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**January 4, 2005**

Plaintiff filed Answer to Preliminary Objections, Brief in Support and Proposed Order. Copy forwarded to Defendant.

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**January 12, 2005**

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

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**January 24, 2005**

Plaintiff filed Motion for Sanctions against Defendant for Violation of Pa. R.C.P. 1023.1, Brief in Support and Proposed Order. Copy forwarded to Defendant.

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**February 17, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 17<sup>th</sup> day of February, 2005, upon consideration of the preliminary objections to the amended complaint filed by the defendant and the response thereto filed by the plaintiff, it is hereby **ORDERED** and **DECREED** that the preliminary objections are **OVERRULED** as they pertain to Paragraphs 18 through 45 of the amended complaint and to Count II for unjust enrichment and Count III for quantum meruit. Defendant is **ORDERED** to file a response to the amended complaint within thirty (30) days of the exit date of this order." Copy forwarded to all parties of record.

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**February 22, 2005**

Defendant filed Reply to Plaintiff's Motion for Sanctions and Brief in Opposition. Copy forwarded to Plaintiff

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**February 24, 2005**

Plaintiff (Wampler) filed Acceptance of Service of Opinion and Order dated February 17, 2005. Receipt of same acknowledged February 22, 2005.

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**March 1, 2005**

Defendant filed Notice of Service of Department's Answers to Interrogatories and Responses to Requests for Production of Documents.

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**March 7, 2005**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 7<sup>th</sup> day of March, 2005, upon consideration of Plaintiff's Motion for Sanctions, it is **ORDERED** and **DECREED** that said Motion is **DENIED**." Copy forwarded to Plaintiff and Defendant.

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**March 10, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated March 7, 2005. Receipt of same acknowledged March 8, 2005

**March 14, 2005**

Plaintiff (Copley) filed Acceptance of Service of Opinion and Order dated February 17, 2005. Receipt of same acknowledged March 10, 2005.

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**March 14, 2005**

Plaintiff (Wampler) filed Acceptance of Service of Opinion and Order dated March 7, 2005. Receipt of same acknowledged March 10, 2005.

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**March 21, 2005**

Defendant filed Answer with New Matter and Counter-claim. Copy forwarded to Plaintiff.

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**April 1, 2005**

Plaintiff filed Notice of Service of Plaintiff's Second Set of Requests for Production of Documents.

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**April 14, 2005**

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

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**May 4, 2005**

Defendant filed Notice of Service of Department's Response to the Second Set of Requests for Production of Documents.

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**June 17, 2005**

Defendant filed Praecipe to withdraw appearance of Elizabeth A. O'Reilly, Esquire and enter appearance of David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant. Copy forwarded to Plaintiff.

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**June 27, 2005**

Plaintiff (Copley) filed Acceptance of Service of Opinion and Order dated March 7, 2005. Receipt of same acknowledged June 23, 2005.

**June 29, 2005**

Board rendered an Order. Order as follows: "**AND NOW**, this 29<sup>th</sup> day of June, 2005, pursuant to the request of the Plaintiff, Amthor Steel, Inc., for a status conference, it is **ORDERED** that a status conference shall be held on July 6, 2005, at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 2:00 p.m. Any party may participate by teleconference provided that a party wishing so to participate contacts the Board at least seven (7) days prior to the conference and places the teleconference call as the Board directs." Copy forwarded to Plaintiff and Defendant.

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**July 5, 2005**

Plaintiff (Wampler) filed Acceptance of Service of Order dated June 29, 2005. Receipt of same acknowledged July 1, 2005.

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**July 5, 2005**

Defendant filed Acceptance of Service of Order dated June 29, 2005. Receipt of same acknowledged June 30, 2005.

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**July 5, 2005**

Defendant filed a letter requesting the Board to consolidate 18 cases before the Board regarding the Fayette SCI litigation.

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**July 6, 2005**

Board held status conference at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 2:00 p.m.

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**August 3, 2005**

Board forwarded letter to parties requesting comments regarding case management and scheduling.

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**August 10, 2005**

Plaintiff filed Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22. Copy forwarded to Defendant.

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**August 16, 2005**

Defendant filed letter with Defendant's comments regarding case management and scheduling.

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**August 18, 2005**

Plaintiff filed letter (via fax) with Plaintiff's comments regarding case management and scheduling.

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**August 22, 2005**

Plaintiff filed letter (via U.S. mail) with Plaintiff's comments regarding case management and scheduling.

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**August 29, 2005**

P.J. Dick filed Certificate of Compliance with Subpoena to Produce Documents and Things Pursuant to Rule 4009.23. Copy forwarded to Plaintiff.

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**November 16, 2005**

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 16<sup>th</sup> day of November, 2005, for the reasons stated above, the current consolidation of cases under Docket No. 3464 will stand as is, and the Board will not consolidate further the above-captioned cases either for the purpose of discovery or hearing, nor will it bifurcate hearings for the purpose of liability and damages. We will reserve the decision on whether or not to further consolidate one or more of these cases for the purpose of judgment for the reasons stated, and may reconsider same at a later date upon motion of one or more of the parties.

Finally, it is **ORDERED** and **DECREED** that the following unified discovery schedule and status conference is set for each of the above-captioned cases: Last day for plaintiffs to provide expert reports to defendant and to file same with the Board - June 30, 2006; Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same



with the Board - August 15, 2006; Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board - September 15, 2006; Completion of all depositions and other discovery - October 15, 2006; Status conference for all cases in Board of Claims' Courtroom No. 1 beginning at 1:00 p.m. - October 25, 2006." Copy forwarded to all parties of record.

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**November 21, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated November 16, 2005. Receipt of same acknowledged November 18, 2005.

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**November 28, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated November 16, 2005. Receipt of same acknowledged November 22, 2005.

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**January 9, 2006**

Plaintiff filed Certificate Prerequisite to Service of a Subpoena pursuant to Rule 4009.22 in connection with subpoenas to L. Robert Kimball & Associates. Copy forwarded to Defendant.

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**January 9, 2006**

Plaintiff filed Certificate Prerequisite to Service of a Subpoena pursuant to Rule 4009.22 in connection with subpoenas to Penn Transportation Services, Inc. Copy forwarded to Defendant.

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**February 2, 2006**

Plaintiff filed Motion to Compel Production of Documents. Copy forwarded to Defendant.

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**March 9, 2006**

Defendant filed courtesy copy of letter addressed to all Plaintiff counsel in the Fayette County cases regarding the requests for electronic files.

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**March 15, 2006**

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 15<sup>th</sup> day of March, 2006, upon consideration of plaintiff's motion to compel production of documents it is hereby **ORDERED** and **DECREED** that said motion is **GRANTED**. It is **ORDERED** that Defendant, Department of General Services, shall produce any and all disks containing electronic schedules including any baseline recovery and/or update schedules, as well as any disks containing information stored and/or tracked by "Constructware" software within 30 days of the exit date of this Order or appropriate sanctions may be imposed following application to the Board." Copy forwarded to Plaintiff and Defendant.

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**March 21, 2006**

Defendant filed Praecipe to Withdraw appearance of Trent Hargrove, Chief Counsel and Michael C. Barrett, Senior Counsel on behalf of Defendant. Copy forwarded to Plaintiff and Defendant.

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**March 24, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated March 15, 2006. Receipt of same acknowledged March 20, 2006.

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**April 28, 2006**

Plaintiff filed Motion for Extension of Expert Report Deadline, Memorandum of Law in Support and Proposed Order. Copy forwarded to Defendant.

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**May 2, 2006**

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 2<sup>nd</sup> day of May, 2006, it is **ORDERED** and **DECREED** that the following modified unified discovery schedule and status conference is set for each of the above-captioned cases: Last day for plaintiffs to provide expert reports to defendant and to file same with the Board - July 31, 2006; Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board - September 15, 2006;

Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board - October 15, 2006; Completion of all depositions and other discovery - October 15, 2006; Status conference for all cases in Board of Claims' Courtroom No. 1 beginning at 1:00 p.m. - October 25, 2006." Copy forwarded to all parties of record.

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**May 9, 2006**

Defendant filed Acceptance of Service of Opinion and Order dated May 2, 2006. Receipt of same acknowledged May 3, 2006.

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**May 10, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated May 2, 2006. Receipt of same acknowledged May 8, 2006.

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**May 19, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated May 2, 2006. Receipt of same acknowledged (undated).

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**July 21, 2006**

Airport Industrial Park filed Motion for Additional Time to Obtain, Serve and File Expert's Report. Copy forwarded to all parties of record.

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**July 25, 2006**

Board rendered opinion and order. Order as follows: **"AND NOW,** this 25th day of July, 2006, it is **ORDERED** and **DECREED** that the following modified unified discovery schedule and status conference is set for each of the above-captioned cases: Last day for plaintiffs to provide expert reports to defendant and to file same with the Board October 15, 2006 Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board December 15, 2006 Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board January 15, 2007 Completion of all depositions and other discovery January 15, 2007 Status conference for all cases in Board of Claims' Courtroom No. 1 beginning at 10:00 a.m. January 25, 2007." Copy forwarded to plaintiff and defendant.

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**August 3, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated July 25, 2006. Receipt of same acknowledged July 31, 2006.

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**August 3, 2006**

Board issued Opinion and Order. Order as follows: **"AND NOW,** this 3<sup>rd</sup> day of August, 2006, the motions for reconsideration and/or severance are **DENIED."** Copy forwarded to all parties of record.

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**August 4, 2006**

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2006. Receipt of same acknowledged July 27, 2006.

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**August 9, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated August 3, 2006. Receipt of same acknowledged August 7, 2006.

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**October 13, 2006**

Plaintiff filed Expert Report of Bruce J. Brown, CPA, CVA. Copy forwarded to Defendant.

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**October 16, 2006**

Plaintiff filed Expert Report of Wagner Hohns Inglis, Inc. Copy forwarded to Defendant.

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**December 13, 2006**

(ALL) Defendant filed (via fax) letter requesting the Board stay the Fayette county matters for sixty days.

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**December 14, 2006**

Board rendered an Order. Order as follows: **"AND NOW,** this 14th

day of December, 2006, it is **ORDERED** and **DECREED** that pursuant to Defendant's letter request dated December 13, 2006, an immediate stay is entered in all captioned cases as of today for sixty days. All current case deadlines are extended sixty days and the status conference will be rescheduled. The new deadlines are as follows:

Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board February 12, 2007; Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board March 12, 2007; Completion of all depositions and other discovery March 12, 2007." Copy forwarded to all parties of record.

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**December 18, 2006**

Plaintiff filed Acceptance of Service of Order dated December 14, 2006. Receipt of same acknowledged December 15, 2006.

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**December 18, 2006**

Defendant filed Acceptance of Service of Order dated December 14, 2006. Receipt of same acknowledged December 15, 2006.

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**December 20, 2006**

Defendant filed Acceptance of Service of Order dated December 14, 2006. Receipt of same acknowledged December 19, 2006.

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**February 12, 2007**

Plaintiff filed letter regarding the Stay issued by the Board and requesting an extension of time until April 30, 2007, in which to complete discovery. Copy forwarded to all parties of record.

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**February 15, 2007**

(ALL) Defendant filed letter requesting that the Board extend the discovery deadline until May 11, 2007.

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**February 16, 2007**

Plaintiff filed Supplemental and Rebuttal Expert Report of Wagner Hohns Inglis, Inc. Copy forwarded Defendant.

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**February 16, 2007**

Board rendered Amended Order. Order as follows: "**AND NOW**, this 16<sup>th</sup> day of February, 2007, it is **ORDERED** and **DECREED** that pursuant to letter requests dated February 12, 2007, from Amthor Steel and February 15, 2007, from DGS and Airport Industrial Park, all current case deadlines are extended as outlined below.

This is the last discovery extension that will be granted by this Board. The final revised deadlines are as follows: Last day for defendant to provide its expert reports to plaintiffs and additional defendants and to file same with the Board, March 12, 2007; Last day for any/all expert rebuttal reports by any party to be exchanged and filed with the Board, April 30, 2007; Completion of all depositions and other discovery, May 11, 2007; Additionally, counsel for the remaining parties are to advise the Board in writing of any days or times they cannot be available for a status conference during the week of June 18-22, 2007, within 10 days of the exit date of this Order." Copy forwarded to all parties of record.

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**February 20, 2007**

Plaintiff filed letter advising that they join Amthor Steel's request for an extension of the discovery and rebuttal reports deadline. Copy forwarded to all parties of record.

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**February 22, 2007**

Plaintiff filed letter advising that they are not available on June 18, 2007. Copy forwarded to Defendant.

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**March 12, 2007**

Board rendered Order. Order as follows: "**AND NOW**, this 12<sup>th</sup> day of March, 2007, it is **ORDERED** and **DECREED** that a status conference to discuss a timetable for hearings and case management issues will be held at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 on June 20, 2007 at 1:00 p.m. Any party may participate by teleconference provided that

a party wishing to do so contacts the Board for instructions at least seven days prior to the conference and places the teleconference call as the Board directs." Copy forwarded to all parties of record.

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**April 2, 2007**

Plaintiff filed Acceptance of Service of Order dated March 12, 2007. Receipt of same acknowledged March 30, 2007.

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**April 27, 2007**

Airport filed (via fax) Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition. Copy forwarded to all parties of record.

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**April 30, 2007**

Defendant filed (via fax) Response to Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition. Copy forwarded to all parties of record.

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**April 30, 2007**

Defendant filed (via U.S. mail) Response to Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition. Copy forwarded to all parties of record.

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**April 30, 2007**

Airport filed (via U.S. mail) Emergency Motion to Allow Counsel for All Parties to Attend and Participate in Deposition of DGS's Expert, Or, Alternatively, to Quash Deposition. Copy forwarded to all parties of record.

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**April 30, 2007**

Board rendered an Order. Order as follows: **"AND NOW**, this 30<sup>th</sup> day of April, 2007, the emergency motion of Airport Industrial Park, Inc., d/b/a PEC Contracting Engineers, to allow counsel for all parties to attend and participate in deposition of DGS's

expert on the morning of April 30, 2007, or alternatively, to quash deposition, is hereby **DENIED**. The motion is not properly filed and is also **MOOT**. This Order is issued without prejudice to a subsequent motion of any party seeking deposition of another's expert for cause shown pursuant to the Pennsylvania Rules of Civil Procedure." Copy forwarded to all parties of record.

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**April 30, 2007**

Plaintiff filed Wagner Hohns Inglis, Inc.'s Rebuttal to McDonough Bolyard Peck, Inc.'s Expert Report and the April 25, 2007 Supplement to the Expert Report of Bruce J. Brown, CPA. Copy forwarded to Defendant.

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**April 30, 2007**

Plaintiff filed letter asking the Court's consent to conduct the deposition of Mr. Kopko on June 8, 2007 which is after the date on the Court Order and that all counsel agree that it will not result in a continuance. Copy forwarded to Defendant.

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**May 7, 2007**

Plaintiff filed Acceptance of Service of Order dated April 30, 2007. Receipt of same acknowledged May 4, 2007.

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**May 11, 2007**

Defendant filed letter advising parties have reached a settlement agreement. Copy forwarded to Plaintiff.

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**June 20, 2007**

Board held status conference at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m.

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**June 28, 2007**

(ALL) Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 28<sup>th</sup> day of June, 2007, it is hereby **ORDERED** and **DECREED** that the Remaining Cases are hereby consolidated for all



purposes, including discovery, hearing and decision, under Docket No. 3464; that the parties to the Remaining Cases are directed to observe the filing conventions set forth in this opinion; that counsel for those claims identified above as pending settlement are directed to file appropriate requests to close these cases or to inform the Board of the need to join said case to this consolidated matter within 45 days of the exit date of this order; and that the Remaining Cases shall proceed according to the following schedule:

1. All discovery shall be completed by October 31, 2007<sup>2</sup>; 2. The last day for filing pre-trial motions is November 30, 2007<sup>2</sup>; 3. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than December 31, 2007 (See BOC R.P. 501(b) and (c)); 4. A pre-trial conference will be held on January 17, 2008, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7<sup>th</sup> Floor, Harrisburg, PA 17101; 5. Hearing dates for the consolidated case will be as follows: Part I March 3, 2008 - March 14, 2008 Part II March 24, 2008 - March 28, 2008 Part III A April 7, 2008 - April 18, 2008 Part III B April 28, 2008 - May 9, 2008 Part IV May 19, 2008 - May 23, 2008 Part V May 27, 2008 - May 30, 2008 Part VI June 9, 2008 - June 13, 2008 6. All testimony, documents, exhibits or other materials admitted into evidence during any portion of the hearings shall be considered as the evidential record for each and all of the claims remaining in this consolidated case. However, in order to maximize the efficiency of these hearings, the Board directs the parties to focus on the specific topics identified below during the following segments of the hearing: Part I PEC claims against DGS and DGS defense of same Part II Tomko claims against DGS and DGS defense of same Part III A&B DGS claims against PEC and PEC defense of same Part IV DGS claims against Penn Transportation and Penn Transportation's defense of same Part V Pro-Spec's claims against DGS and DGS defense of same Part VI Limbach's claims against DGS and DGS defense of same." Copy forwarded to all parties of record.

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**August 1, 2007**

Plaintiff filed Praecipe to Mark Settled and Discontinued and Ended. Copy forwarded to Defendant.

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**August 2, 2007**

Board forwarded letter to Defendant requesting Praecipe to dismiss counterclaim.

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**August 6, 2007**

Defendant filed Praecipe to Settle, Discontinue and End Counterclaim. Copy forwarded to Plaintiff.

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**August 8, 2007**

Board rendered Order. Order as follows: "**AND NOW**, this 8<sup>th</sup> day of August, 2007, upon receipt of a praecipe executed by Lisa M. Wampler, Esquire, on behalf of Plaintiff, Amthor Steel, Inc. advising that the parties have reached a settlement as to all claims and requesting that the Board kindly mark the docket on this matter as discontinued and ended with prejudice, docketed with this Board under date of August 1, 2007, and upon receipt of a praecipe executed by David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services advising that the parties have reached a settlement as to all claims between those parties in the above-captioned matter and accordingly, kindly mark Defendant's counterclaim against the Plaintiff in the above-captioned docket settled, discontinued and ended, 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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**August 13, 2007**

Defendant filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 9, 2007.

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**August 16, 2007**

Plaintiff filed Acceptance of Service of Order dated August 8, 2007. Receipt of same acknowledged August 10, 2007.

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