

Docket Number: 3639

CARLO BORRIELLO and ROSA BORRIELLO

Albert C. Gaudio, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~Trent Hargrove, Chief Counsel~~
~~Stephen J. Bustena, Assistant Counsel~~
~~Alice Miller, Assistant Counsel~~
~~David L. Narkiewicz, Senior Chief Counsel~~
~~Tanya C. Lesko, Assistant Counsel~~
~~Michael C. Barrett, Senior Counsel~~

May 30, 2003

Plaintiff filed Claim and filing fee. Amount of Claim: \$53,156.25+.

June 4, 2003

Board forwarded copy of Claim to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT JULY 9, 2003.**

June 12, 2003

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General June 9, 2003.

June 16, 2003

Defendant filed Acceptance of Service of Claim. Receipt of same acknowledged by Defendant June 9, 2003.

June 27, 2003

Defendant filed Answer and New Matter to Complaint. ***Plaintiff's Reply due July 23, 2003.***

July 25, 2003

Plaintiff filed Reply to New Matter.

August 20, 2003

Defendant filed Notice of Service of Department's Request for Production of Documents.

April 23, 2004

Board issued letter to parties requesting a Status Report. Status Report due on or before May 24, 2004.

May 24, 2004

Plaintiff filed Letter/Status Report advising of the parties' discovery proceedings.

May 24, 2004

Defendant filed Letter/Status Report advising that the parties continue to be in the discovery phase of the litigation.

January 27, 2005

Board issued letter to parties requesting a Status Report. Status Report due on or before **February 28, 2005**.

February 28, 2005

Plaintiff filed letter advising that the parties are still in the discovery stage and estimates same can be completed within a few months.

July 28, 2005

Defendant filed Withdrawal of Appearance of Alice Miller and Entry of Appearance of David L. Narkiewicz and Tanya Leshko on behalf of Defendant.

July 31, 2006

Board issued letter to parties requesting a status report.

August 21, 2006

Plaintiff filed status report (via facsimile) advising the parties are still in discovery.

August 23, 2006

Plaintiff filed status report (via U.S. Mail) advising the parties are still in discovery.

May 1, 2008

Defendant filed Praecipe for Appearance of Michael C. Barrett, Senior Counsel on behalf of Defendant.

May 1, 2008

Defendant filed Motion for Judgment of Non Pros and Brief in Support as well as Proposed Order.

May 2, 2008

Board forwarded letter to Plaintiff requesting response to Motion for Judgment of Non Pros.

August 22, 2008

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 22nd day of August, 2008, it is **ORDERED** and **DECREED** that the Commonwealth, Department of General Services shall file with the Board affidavits in support of its motion for judgment of non pros which will address, among other things, the Department's allegations of unavailability of witnesses and records. Such affidavits must address the factual criteria for said motion, must be based on actual knowledge of the deponent (not hearsay), must explain the reason for the unavailability and must explain the reason the absence of such evidence results in prejudice to the Department. Said affidavits shall be filed within 30 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

August 27, 2008

Defendant filed Acceptance of Service of Opinion and Order dated August 22, 2008. Receipt of same acknowledged August 26, 2008.

September 15, 2008

Defendant filed Motion for Reconsideration and Brief in Support.

September 18, 2008

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 18th day of September, 2008, upon consideration of Department of General Services' motion for reconsideration of this Board's Order of August 22, 2008, and brief in support thereof, it is **ORDERED** and **DECREED** that the motion is **DENIED**." Copy forward to Plaintiff and Defendant.

September 22, 2008

Defendant filed Acceptance of Service of Opinion and Order dated September 18, 2008. Receipt of same acknowledged September 19, 2008.

April 10, 2009

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 10th day of April, 2009, due to the failure of the Department of General Services to file affidavits in support of its motion for judgment of non pros pursuant to this Board's Order of August 22, 2008, the Department's motion for judgment of non pros is **DENIED**." Copy forwarded to Plaintiff and Defendant.

April 15, 2009

Defendant filed Acceptance of Service of Opinion and Order dated April 10, 2009. Receipt of same acknowledged April 14, 2009.

April 17, 2009

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.

July 15, 2009

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 15th day of July, 2009, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED**, **ENDED** and **DISMISSED** with prejudice due to lack of activity." Copy forwarded to Plaintiff and Defendant.

July 21, 2009

Defendant filed Acceptance of Service of Opinion and Order dated July 15, 2009. Receipt of same acknowledged July 16, 2009.
