

Docket Number: 3648

~~W.G. TOMKO, INC.~~

~~Paul G. Walker, Jr., Esquire~~
~~Renee Colbert, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

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

VS.

**** *MAR-PAUL COMPANY, INC.**

~~Lisa Lambert Dailey, Esquire~~
~~Jeffrey C. Venzie, Esquire~~
~~Stephen A. Venzie, Esquire~~

July 18, 2003

Plaintiff filed Claim and filing fee. Amount of Claim:\$78,947.00.

July 16, 2003

Board called Plaintiff advising of filing deficiency: need proof of mailing to Defendant. Faxed notice of deficiency to Plaintiff.

July 23, 2003

Plaintiff filed proof of mailing Claim to Defendant. **ACCEPTED FOR FURTHER PROCESSING.**

July 24, 2003

Board issued Acknowledgement letter and forwarded copy of Claim to Chief Deputy Attorney General.

August 18, 2003

Defendant filed Answer with New Matter.

***September 12, 2003**

Defendant (DGS) filed Complaint to Join Additional Defendant (Mar-Paul Company, Inc.).

September 24, 2003

Chief Deputy Attorney General filed Acceptance of Service of Complaint to Join Additional Defendant. Receipt of same acknowledged September 22, 2003.

October 7, 2003

Additional Defendant filed Entry of Appearance of Lisa M. Lambert, Esquire.

October 31, 2003

Additional Defendant (Mar-Paul) filed Preliminary Objections Pursuant to Pa.R.C.P. 1028(A)(1) as well as Brief in Support.

November 20, 2003

Defendant (DGS) letter-type Response filed to Additional Defendant=s (Mar-Paul) Preliminary Objections.

December 2, 2003

Plaintiff filed Response to Additional Defendant=s (Mar-Paul) Preliminary Objections.

December 5, 2003

Defendant (DGS) filed Motion for Judgment on the Pleadings.

December 10, 2003

Additional Defendant=s (Mar-Paul) Reply Brief in Support of its Preliminary Objections.

April 8, 2004

Board rendered Opinion and Order. Order as follows: **AAND NOW**, this 8th day of April, 2004, it is hereby **ORDERED** and **DECREED** that Defendant=s Motion for Judgment on the Pleadings is **DENIED**. Mar-Paul=s Preliminary Objections are **SUSTAINED** with leave granted to Plaintiff to amend its Complaint within twenty (20) days of the exit date of this Order.≡ Copy forwarded to Plaintiff, Defendant and Additional Defendant (Mar-

April 21, 2004

Additional Defendant filed Acceptance of Service of Opinion and Order dated April 8, 2004. Receipt of same acknowledged April 12, 2004.

April 22, 2004

Defendant filed Acceptance of Service of Opinion and Order dated April 8, 2004. Receipt of same acknowledged April 9, 2004.

April 28, 2004

Plaintiff filed Amended Claim.

May 3, 2003

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

May 7, 2004

Attorney General filed Acknowledgment of Service of Amended Claim dated May 3, 2004. Receipt of same acknowledged May 5, 2004.

****June 28, 2004**

Defendant filed Complaint to Join Additional Defendant, Mar-Paul Company, Inc.

June 28, 2004

Defendant filed Answer with New Matter and Counterclaim to Tomko=s Amended Complaint.

July 8, 2004

Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged July 2, 2004.

July 27, 2004

Additional Defendant, Mar-Paul filed Second Set of Preliminary Objections and Brief in Support.

August 9, 2004

Additional Defendant, Mar-Paul filed Motion for Sanctions Against Plaintiff Pursuant to Pa. R.C.P. 1023.3.

October 22, 2004

Board rendered and Opinion and Order. Order as follows: **"AND NOW, this 22nd day of October, 2004, it is ORDERED and DECREED that Additional Defendant's Second Set of Preliminary Objections are DENIED with leave to file a responsive pleading to Defendant's Complaint within twenty (20) days of the exit date of this Order."** Copy forwarded to Plaintiff and Defendant.

October 22, 2004

Board rendered and Opinion and Order. Order as follows: **"AND NOW, this 22nd day of October, 2004, Additional Defendant.'s Motion for Sanctions against Plaintiff is DENIED."** Copy forwarded to Plaintiff and Defendant.

November 12, 2004

Additional Defendant (Mar-Pauls) Answer and New Matter to Defendant's Additional Defendant Complaint

December 6, 2004

Defendant filed Reply to New Matter of Additional Defendant Mar-Paul.

December 8, 2004

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

August 17, 2006

Board forwarded letter to parties requesting a status report.

August 28, 2006

Additional Defendant filed status letter advising that Additional Defendant does not intend to further pursue this matter unless Plaintiff indicates its intent to proceed.

September 5, 2006

Plaintiff filed a praecipe for appearance of Renee Colbert, Esquire on behalf of Plaintiff.

September 5, 2006

Plaintiff filed status report advising that the parties are currently negotiating an attempt to resolve this claim.

June 19, 2008

Plaintiff filed Praecipe to Discontinue case only between W.G. Tomko, Inc. and DGS.

June 30, 2008

Board forwarded letter to parties requesting praecipes to dismiss the counterclaim and crossclaim.

July 22, 2008

Defendant filed Praecipe to Discontinue case only in regards to W.G. Tomko, Inc. The claims against Mar-Paul Company, Inc. shall continue.

July 29, 2008

Board rendered Order. Order as follows: " **AND NOW**, this 29th day of July, 2008, upon receipt of a Praecipe executed by Renee Colbert, Esquire, on behalf on Plaintiff, W.G. Tomko, Inc. requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of June 19, 2008, and receipt of a Praecipe executed by David L. Narkiewicz, Assistant Chief Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services ("DGS"), requesting that the Board mark its counterclaim in the above-captioned matter settled and discontinued, docketed with this Board under date of July 22, 2008, it is hereby **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinue and ended with prejudice regarding the claims between W.G. Tomko, Inc. and DGS only. The actions by DGS against Mar-Paul Company, Inc. will continue in the above-captioned matter." Copy forwarded to all parties of record.

August 6, 2008

W.G. Tomko, Inc. filed Acceptance of Service of Order dated July 29, 2008. Receipt of same acknowledged on August 4, 2008.

August 15, 2008

Mar-Paul Company, Inc. filed Acceptance of Service of Order dated July 29, 2008. Receipt of same acknowledged on August 5, 2008.

October 6, 2008

Mar-Paul Company filed Notice of Service of Request for Production of Documents.

October 20, 2008

Mar-Paul Company filed Motion to Compel and Proposed Order.

December 2, 2008

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 2nd day of December, 2008, it is **ORDERED** and **DECREED** that Mar-Paul's Motion to Compel is **GRANTED**. Commonwealth of Pennsylvania, Department of General Services is directed to respond to Mar-Paul's First Request for Production of Documents within 30 days of the exit date of this Order." Copy forwarded to all parties of record.

December 8, 2008

DGS filed Acceptance of Service of Opinion and Order dated December 2, 2008. Receipt of same acknowledged on December 3, 2008.

December 11, 2008

DGS filed a Praecipe to Withdraw Appearance of Elizabeth A. O'Reilly, Esquire and Michael C. Barrett, Esquire and Entry of Appearance of David L. Narkiewicz, Esquire, on behalf of DGS.

December 19, 2008

Mar-Paul filed Acceptance of Service of Opinion and Order dated December 2, 2008. Receipt of same acknowledged on December 15, 2008.

December 26, 2008

Mar-Paul filed a praecipe to withdraw of appearance of Lisa M. Dailey, Esquire and a praecipe to enter appearance of Jeffery C. Venzie, Esquire and Stephen A. Venzie, Esquire on behalf of Mar-Paul.

January 14, 2009

DGS filed Notice of Service of its Responses to Mar-Paul's First Request for Production of Documents.

February 2, 2015

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.

April 3, 2015

DGS filed a Statement of Intention to Proceed Pursuant to Rule of Civil Procedure 230.2.

June 2, 2015

DGS filed praecipe to discontinue.

June 3, 2015

Board rendered an Order. Order as follows: "**AND NOW**, this 3rd day of June, 2015, upon receipt of a praecipe executed by David L. Narkiewicz, Assistant Chief Counsel, on behalf of the Commonwealth of Pennsylvania, Department of General Services, requesting that the Board mark the above-captioned matter discontinued and ended with prejudice, docketed with this Board under date of June 2, 2015, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to DGS and Mar-Paul.

June 9, 2015

DGS filed acceptance of service of Order dated June 3, 2015. Receipt of same acknowledged June 4, 2015.

June 11, 2015

Mar-Paul filed acceptance of service of Order dated June 3, 2015. Receipt of same acknowledged June 8, 2015.
