

Docket Number: 3650

LOBAR, INC.

Stanley R. Gentile, Esquire  
George Pallas, Esquire  
Joshua J. Kohner, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Trent Hargrove, Chief Counsel~~  
~~Stephen J. Busterna, Assistant Counsel~~  
~~Alice Miller, Esquire~~  
**Tanya Leshko, Assistant Counsel**

**CLOSED**

**July 25, 2003**

Plaintiff filed Claim and filing fee. Amount of Claim: \$552,952.28+.

---

**July 25, 2003**

Board advised, per telephone conversation, Plaintiff of filing deficiency. Board faxed notice of deficiency to Plaintiff.

---

**July 28, 2003**

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

---

**July 28, 2003**

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

---

**August 1, 2003**

Chief Deputy Attorney General filed Acknowledgment form of Claim dated July 28, 2003. Receipt of same acknowledged July 30, 2003.

---

**September 19, 2003**

Defendant filed Answer and New Matter to Complaint. Copy forwarded to Plaintiff.

---

**October 14, 2003**

Plaintiff filed Reply to New Matter. Copy forwarded to Defendant.

---

**January 23, 2004**

Defendant filed Praecipe for Withdrawal of appearance (Stephen J, Busterna) and Entry of appearance (Alice Miller).

---

**January 29, 2004**

Plaintiff filed Claimant's Motion to Compel Answers to Interrogatories and the Production of Documents from the

Respondent. Copy forwarded to Defendant.

---

**March 12, 2004**

Plaintiff filed letter advising that Defendant has not filed their response to Plaintiff's Motion to Compel Answers to Interrogatories and the Production of Documents.

---

**March 29, 2004**

Plaintiff filed letter advising that Defendant has not responded to their Motion to Compel Answers to Interrogatories and the Production of Documents. Copy forwarded to Defendant.

---

**April 5, 2004**

Plaintiff filed letter advising that Defendant has not responded to their Discovery Motion.

---

**April 15, 2004**

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 15th day of April, 2004, it is **ORDERED** and **DECREED** that Lobar's Motion to Compel Interrogatories and Production of Documents from the Defendant is **GRANTED**. The Board further **ORDERS** and **DECREEES** that the Commonwealth, Department of General Services shall have twenty (20) days from the exit date of this Order to provide Answers to Interrogatories and provide access to those items requested by the Request for Production of Documents. Copies forwarded to all parties of record.

---

**April 26, 2004**

Plaintiff filed Acceptance of Service of Opinion and Order dated April 15, 2004. Receipt of same acknowledged by Plaintiff April 21, 2004.

---

**April 26, 2004**

Defendant filed Acceptance of Service of Opinion and Order dated April 15, 2004. Receipt of same acknowledged by Defendant April 21, 2004.

---

**May 5, 2004**

Defendant filed letter advising that Plaintiff's Interrogatories were answered as per the Board's Order of April 15, 2004. Copy forwarded to Plaintiff.

---

**May 20, 2004**

Plaintiff filed letter advising that Defendant's answers are substantively and procedurally insufficient to Plaintiff's Interrogatories.

---

**June 9, 2004**

Plaintiff filed a proposed Subpoena to produce documents and things for Discovery Pursuant to Rule 4009.22 for Judge's review.

---

**June 14, 2004**

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

---

**August 16, 2004**

Plaintiff filed Proposed Order and Lobar, Inc.'s Motion for Sanctions. Copy forwarded to Defendant.

---

**September 3, 2004**

Plaintiff filed Brief in Support of Plaintiff Lobar, Inc.'s Motion for Sanctions. Copy forwarded to Defendant.

---

**October 20, 2004**

Plaintiff filed letter requesting that the Board rule on its Motion for Sanctions. Copy forwarded to Defendant.

---

**November 10, 2004**

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 10th day of November, 2004, it is hereby **ORDERED, ADJUDGED** and **DECREED** that Plaintiff's Motion for Sanctions is **DENIED**. It is further **ORDERED** that Defendant is required to file more complete Answers to Plaintiff's Interrogatory Nos. 15, 16, 17, 18, 19, 20, 28, 29, 48, 50, 53 and 54 within twenty (20) days of exit date of this Order. To the extent the Defendant is relying

on Pa.R.Civ.P.Rule 4006(b), such reliance must be expressly stated and the documents responsive to the interrogatory identified with reasonable specificity. Plaintiff is not precluded from seeking subsequent relief with this Board following inspection of the documents identified by Defendant should this second response be found lacking." Copy forwarded to Plaintiff and Defendant.

---

**November 19, 2004**

Plaintiff filed Acceptance of Service of Opinion and Order dated November 10, 2004. Receipt of same acknowledged by attorney for Plaintiff November 16, 2004.

---

**February 11, 2005**

Plaintiff filed Proposed Order, Plaintiff Lobar, Inc.'s Motion to Strike Defendant's Answer and For Sanctions as well as its Brief in Support. Copy forwarded to Defendant.

---

**February 15, 2005**

Defendant filed an Acceptance of Service of Opinion and Order dated November 10, 2004. Receipt of same acknowledged by Defendant February 11, 2005.

---

**April 11, 2005**

Plaintiff filed Notice of Service of Deposition for Dan Weinzerl. Copy forwarded to Defendant.

---

**April 25, 2005**

Defendant filed Respondent's Amended Answers to Interrogatories Pursuant to Board of Claims Order Dated November 10, 2004.

---

**April 29, 2005**

Plaintiff filed Notice of Service of Deposition and Subpoena for Dan Weinzerl. Copy forwarded to Defendant.

---

**August 12, 2005**

Plaintiff filed a letter advising that discovery is complete and it is their belief that Defendant does not intend to initiate additional fact discovery. Therefore, Plaintiff requests a pre-trial conference. Copy forwarded Defendant.

---

**August 15, 2005**

Board issued a letter to parties requesting them to call with several proposed dates and times within the periods of August 31, 2005 and September 9, 2005, to schedule a conference.

---

**August 24, 2005**

Defendant filed a letter advising of their availability for a pre-hearing conference on the following dates of September 2, 6, 8 and 9, 2005. Copy forwarded to Plaintiff.

---

**August 29, 2005**

Plaintiff filed a letter advising the Board of their availability on the following dates: September 1, 2, 6, 8 and 9, 2005, for a pre-trial conference.

---

**August 30, 2005**

Board issued an Order. Order as follows: **AND NOW**, this 30<sup>th</sup> day of August, 2005, pursuant to the request of the Plaintiff for a status conference, it is **ORDERED** that a status conference shall be held on Thursday, September 8, 2005, at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m. Any party may participate by teleconference provided that a party wishing so to participate contacts the Board at least four (4) days prior to the conference and that the teleconference call is placed as the Board directs at that time. Copy forwarded to all parties of record.

---

**September 6, 2005**

Plaintiff filed an Acceptance of Service of Order dated August 30, 2005. Receipt of same acknowledged September 1, 2005.

---

**September 16, 2005**

Board issued a Scheduling Order. Order as follows: **AND NOW**, this 16<sup>th</sup> day of September, 2005, it is hereby **ORDERED** and **DECREED** as follows: 1. All expert reports shall be exchanged by the parties by December 5, 2005; 2. All expert rebuttal reports shall be exchanged by the parties by December 20, 2005; 3. All depositions and discovery shall be completed by January 31, 2006\*; 4. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than February 10, 2006 (Please note BOC R.P. 501(b) and (c)(3); 5. A Pre-Trial Conference is scheduled for February 15, 2006, 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; 6. The last day for filing Pre-Trial Motions is February 24, 2006\*; and 7. This matter is set for hearing before the Board beginning on April 10, 2006 and running through April 14, 2006, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101, commencing at 9:30 a.m.

---

**September 19, 2005**

Plaintiff filed a letter requesting that the Motion to Strike the Defendant's Answer and Sanctions be withdrawn. Copy forwarded to Defendant.

---

**September 21, 2005**

Plaintiff filed Acceptance of Service of Scheduling Order dated September 16, 2005. Receipt of same acknowledged September 19, 2005.

---

**September 22, 2005**

Plaintiff filed an entry of appearance of Joshua J. Kohner, Esquire on behalf of Plaintiff. Copy forwarded to Defendant.

---

**October 5, 2005**

Defendant filed Praecipe to Enter Appearance of Tanya C. Leshko, Esquire. Copy forwarded to Plaintiff.

---

**December 22, 2005**

Plaintiff filed Praecipe to Discontinue. Copy forwarded to Defendant.

---

**December 28, 2005**

Board rendered an Order. Order as follows: "**AND NOW**, this 28<sup>th</sup> day of December, 2005, upon receipt of a Praecipe to Settle, Discontinue, and End executed by George E. Pallas, Esquire, on behalf of Plaintiff, Lobar, Inc., requesting that the Board "Kindly mark the above matter settled, discontinued and ended." docketed with this Board under date of December 22, 2005, it is **ORDERED** and **DECREED** that the above-captioned matter be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

---

**December 29, 2005**

Board forwarded Letter to parties advising that hearing is canceled.

---

**December 30, 2005**

Defendant filed Acceptance of Service of Order dated. Receipt of same acknowledged by Defendant December 29, 2005.

---

**January 9, 2006**

Plaintiff filed Acceptance of Service of Order dated December 28, 2005. Receipt of same acknowledged January 5, 2006.

---

**CLOSED**  
**CLOSED**



