

Docket Number: 3707

RESIDENCE INN BY MARRIOTT, INC. d/b/a RESIDENCE INN BY MARRIOTT
PHILADELPHIA/VALLEY FORGE
and
MARRIOTT RESIDENCE INN, II, LIMITED PARTNERSHIP

Gerald E. Burns, Esquire
David A. Bilson, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Andrew S. Gordon, Chief Counsel
Michael D. Alster, Assistant Counsel

April 29, 2004

Plaintiff filed Claim, filing fee and proof of mailing. Amount of Claim: In excess of \$300.00. ACCEPTED FOR FURTHER PROCESSING.

May 5, 2004

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

May 13, 2004

Chief Deputy Attorney General filed Claim Acknowledgment Form. Receipt of same acknowledged May 7, 2004.

May 28, 2004

Defendant filed Preliminary Objections and Brief in Support of Preliminary Objections.

June 28, 2004

Plaintiff filed Opposition to Respondent's Preliminary Objections, Brief in Opposition to Preliminary Objections, and Proposed Order.

August 5, 2004

Board issued Opinion and Order. Order as follows: **AND NOW**, this 5th day of August, 2004, it is hereby **ORDERED, ADJUDGED and DECREED** by the Board of Claims of the Commonwealth of Pennsylvania that the Preliminary Objection to Plaintiff's Statement of Claim is hereby **DENIED.**@ Copy forwarded to Plaintiff and Defendant.

August 12, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated August 5, 2004. Receipt of same acknowledged August 10, 2004.

September 7, 2004

Defendant filed Answer and New Matter.

September 16, 2004

Defendant filed Verification to be attached to its Answer and New Matter.

October 15, 2004

Defendant filed Motion for Protective Order.

November 1, 2004

Defendant filed Brief in Support of Motion for Protective Order.

November 8, 2004

Defendant filed Certificate of Service of Defendant's Responses to Claimant's Request for Production of Documents.

November 12, 2004

Plaintiff filed Stipulation and Order signed by parties, agreeing that Defendant will withdraw its Motion for Protective Order.

November 15, 2004

Defendant filed Praecipe to Withdraw Motion for Protective Order.

November 22, 2004

Defendant filed Notice of Service of Defendant's Amended Responses to Plaintiff's First Set of Interrogatories and First Set of Production of Documents.

November 24, 2004

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 24th day of November, 2004, upon consideration of the stipulation agreed to by the parties and filed on November 12, 2004, **IT IS ORDERED** that: 1. The defendant withdraws with prejudice its motion for a protective order; 2. The defendant accepts, and will not object to, the notice of deposition for Rex Mackey that was served on October 29, 2004, in this matter; 3. The defendant will provide complete answers to plaintiffs' outstanding interrogatories and requests for production of documents, including producing all documents for review no later than November 19, 2004; and 4. The plaintiffs agree to adjourn the date of Rex Mackey's deposition for a reasonable time, not to exceed one month from the date of the stipulation." Copy forwarded to Plaintiff and Defendant.

December 1, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated November 24, 2004. Receipt of same acknowledged November 29, 2004.

December 8, 2004

Plaintiff filed Answer to New Matter.

December 10, 2004

Plaintiff filed Praecipe to Substitute Verification of Statement of Claim.

December 14, 2004

Board issued Acknowledgment letter and forwarded a copy of Praecipe to Substitute Verification of Statement of Claim to Attorney General.

December 22, 2004

Chief Deputy Attorney General filed Acknowledgement Form of Praecipe to Substitute Verification. Receipt of same acknowledged December 20, 2004.

March 3, 2005

Defendant filed Motion for Sanctions, Brief in Support and Proposed Order.

April 18, 2005

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 18th day of April, 2005, upon the motion for sanctions filed by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, and having no response by the Plaintiff, Residence Inn By Marriott, Inc., it is hereby **ORDERED** and **DECREED** that the Motion is hereby **GRANTED** and Plaintiff, Residence Inn By Marriott, Inc., shall answer the interrogatories within ten (10) days of the exit date of this Order or appropriate sanctions may be imposed upon further application to the Board." Copy forwarded to Plaintiff and Defendant.

May 8, 2006

Board issued letter to parties requesting a status report.

May 11, 2007

Board issued second letter to parties requesting a status report.

June 13, 2007

Defendant filed status letter advising that due to ongoing discovery at this time the Board should refrain from scheduling this matter for a hearing.

November 26, 2008

Plaintiff filed Praecipe to Settle, Discontinue and end.

December 2, 2008

Board rendered Order. Order as follows: **"AND NOW**, this 2nd day of December, 2008, upon receipt of a Praecipe executed by Gerald E. Burns, Esquire, on behalf of Plaintiff, Residence Inn By Marriott, Inc. d/b/a/ Residence Inn By Marriott Philadelphia/Valley Forge and Marriott Residence Inn, II, Limited Partnership, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of November 26, 2008, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

December 8, 2008

Plaintiff filed Acceptance of Service of Order dated December 2, 2008. Receipt of same acknowledged on December 5, 2008.
