

Docket Number: 3735

BANACOL MARKETING CORPORATION

James P. Golden, Esquire
Michael E. Sacks, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
PHILADELPHIA REGIONAL PORT AUTHORITY**

~~James McDermott, Executive Director~~
~~Francis X. Browley, Esquire~~
~~Colin M. Chalmers, Esquire~~

November 10, 2004

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: Not Specified

November 12, 2004

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

November 22, 2004

Plaintiff filed Motion to Stay Proceedings, Brief in Support of Motion to Stay Proceedings and Proposed Order. Copy forwarded to Defendant.

November 19, 2004

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged November 17, 2004.

November 22, 2004

Plaintiff filed Motion to Stay Proceedings, Brief in Support of Motion to Stay Proceedings and Proposed Order. Copy forwarded to Defendant.

December 6, 2004

Defendant filed Entry of Appearance of Francis X. Crowley, Esquire, on behalf of Defendant. Copy forwarded to Plaintiff.

December 6, 2004

Defendant filed letter advising of Plaintiff's agreement for Defendant to have an extension of time until January 19, 2005 in which to answer, object or respond to Plaintiff's Claim. Copy forwarded to Plaintiff.

December 20, 2004

Defendant filed Answer to Claimant's Motion to Stay Proceedings, Brief in Opposition and Proposed Order. Copy forwarded to Plaintiff.

December 22, 2004

Plaintiff filed Proposed Order, which is agreed to by both parties, relative to granting a Motion to Stay Proceedings. Copy forwarded to Defendant.

December 29, 2004

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 29th day of December, 2004, the parties having agreed to stay this matter, it is hereby **ORDERED** and **DECREED** that these proceedings are stayed pending notification by either party that the agreement for a stay is no longer in effect or further action by this Board." Copy forwarded to Plaintiff and Defendant.

January 5, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated December 29, 2004. Receipt of same acknowledged January 3, 2005.

January 10, 2005

Defendant filed Acceptance of Service of Opinion and Order dated December 29, 2004. Receipt of same acknowledged January 3, 2005.

April 7, 2005

Defendant filed letter requesting that the stay in this matter be lifted and requests that this matter proceed. Copy forwarded to Plaintiff.

April 18, 2005

Plaintiff filed letter advising that they agree that Defendant had the right to request the stay be lifted and advised they will respond to Defendant's Preliminary Objections when same are filed.

April 21, 2005

Board issued Order. Order as follows: "AND NOW, this 21st day of April, 2005, upon receipt of a letter from Defendant, dated April 6, 2005, requesting that the stay in the above-captioned matter, issued by this Board by Order dated December 29, 2004, be lifted and that this matter proceed, it is hereby **ORDERED** and **DECREED** that the stay in this matter is hereby **LIFTED**. Defendant is **DIRECTED** to file its responsive pleading to Plaintiff's claim within thirty (30) days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

May 9, 2005

Plaintiff filed Acceptance of Service of Order dated April 21, 2005. Receipt of same acknowledged April 25, 2005.

May 12, 2005

Defendant filed Preliminary Objections to Plaintiff's Statement of Claim, Memorandum of Law in Support of Preliminary Objections and Proposed Order. Copy forwarded to Plaintiff.[07A061405D]

June 10, 2005

Plaintiff filed Answer, Memorandum of Law in Opposition to Defendant's Preliminary Objections, as well as Proposed Order. Copy forwarded to Defendant.

June 27, 2005

Defendant filed its Reply Memorandum in Support of Its Preliminary Objections. Copy forwarded to Plaintiff.

July 11, 2005

Defendant filed status letter relative to Preliminary Objections and Order rendered in the Court of Common Pleas.

August 24, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 24th day of August 2005, it is hereby **ORDERED** and **DECREED** that the preliminary objections of Defendant, Commonwealth of Pennsylvania, Philadelphia Regional Port Authority, are hereby **DENIED**." Copy forwarded to Plaintiff and Defendant.

August 31, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated August 24, 2005. Receipt of same acknowledged August 26, 2005.

September 1, 2005

Defendant filed Acceptance of Service of Opinion and Order dated August 24, 2005. Receipt of same acknowledged August 29, 2005.

September 26, 2005

Defendant filed Response with New Matter to Statement of Claim. Copy forwarded to Plaintiff.

October 12, 2005

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

October 13, 2005

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

November 22, 2005

Defendant filed Objections to Plaintiff's Subpoenas directed towards Penn Warehousing and Urban Engineering. Copy forwarded to Plaintiff. [08A011306D]

December 12, 2005

Plaintiff filed a letter (via fax) requesting a 30 day extension of time in which to file a motion to overrule Defendant's

objections to the subpoenas.

December 13, 2005

Board forwarded letter to Plaintiff granting a 30 day extension of time in which to file a motion to overrule Defendant's objections to the subpoenas.

January 12, 2006

Plaintiff filed Motion to overrule Defendant's objections to the request for documents and notices of intent to serve subpoenas, Memorandum of law and support and Proposed Order. Copy forwarded to Defendant.

February 2, 2006

Defendant filed Response to Plaintiff's Motion to overrule objections to the request for documents and notices of intent to serve subpoenas, Memorandum of law and support and Proposed Order. Copy forwarded to Plaintiff.

February 3, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 3rd day of February, 2006, upon consideration of Plaintiff's Motion to Overrule Defendant's Objections to the Notices of Intent to Serve Subpoenas to Non-Parties Penn Warehousing Distribution, Inc. and Urban Engineers, Inc., it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED** in part and **DENIED** in part. Plaintiff's subpoenas directed to Non-Parties Penn Warehousing Distribution, Inc. and Urban Engineers, Inc. shall be re-issued and modified to delete the request for information and/or documents relating to piers other than Pier 82. As such, Plaintiff shall re-submit Notices of Intent to Serve Subpoenas to both of those non-parties consistent with this Order." Copy forwarded to Plaintiff and Defendant.

February 10, 2006

Defendant filed Acceptance of Service of Opinion and Order dated February 3, 2006. Receipt of same acknowledged February 8, 2006.

February 13, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated February 3, 2006. Receipt of same acknowledged February 8, 2006.

March 2, 2006

Plaintiff and Defendant filed (via facsimile) a stipulation for an extension of time until March 20, 2006, to serve its answers and/or objections to Defendant's First Set of Request for Admissions, First Set of Interrogatories and First Set of Request for Documents.

March 6, 2006

Plaintiff filed (via U.S. Mail) a stipulation for an extension of time until March 20, 2006, to serve its answers and/or objections to Defendant's First Set of Request for Admissions, First Set of Interrogatories and First Set of Request for Documents.

June 21, 2006

Defendant filed a Proposed Order, Respondent Philadelphia Regional Port Authority's Motion for a Protective Order with Respect to Banacol Marketing Corporation's Notices of Deposition, as well as its Brief in Support. Copy forwarded to Plaintiff.

June 22, 2006

Board issued letter to Plaintiff directing a response to Defendant's Motion for Protective Order. Copy forwarded to Defendant.

July 20, 2006

Plaintiff filed Answer to the Motion of the Philadelphia Regional Port Authority for a Protective Order Limiting Deposition Questions and Brief. Copies forwarded to Defendant.

August 11, 2006

Board rendered Opinion and Order. Order as follows: **"AND NOW** this 11th day of August, 2006, upon consideration of Philadelphia Regional Port Authority's Motion for a Protective Order, it is hereby **ORDERED** and **DECREED** that said motion is **DENIED**. The parties shall proceed with discovery in this matter accordingly." Copy forwarded to parties.

August 21, 2006

Defendant filed Acceptance of Service of Opinion and Order dated August 11, 2006. Receipt of same acknowledged August 16, 2006.

September 1, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated August 11, 2006. Receipt of same acknowledged August 14, 2006.

September 15, 2006

Plaintiff filed Praecipe to Discontinue. Copy forwarded to Defendant.

September 19, 2006

Board rendered Praecipe Order. Order as follows: **"AND NOW**, this 19th day of September, 2006, upon receipt of a Praecipe to Discontinue, executed by Michael E. Sacks, Esquire, on behalf of Plaintiff, Banacol Marketing Corporation, advising that "Banacol Marketing Corporation voluntarily discontinues and ends this action against the Philadelphia Regional Port Authority" docketed with this Board under date of September 15, 2006, it is **ORDERED** and **DECREED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

September 28, 2006

Plaintiff filed Acceptance of Service of Order dated September

19, 2006. Receipt of same acknowledged September 21, 2006.

October 10, 2006

Defendant filed Acceptance of Service of Order dated September 19, 2006. Receipt of same acknowledged September 30, 2006.
