

Docket Number: 3741

AMERICAN ASPHALT PAVING CO.

Frederick W. Alcaro, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Andrew S. Gordon, Chief Counsel
Robert T. Kuntz, Assistant Counsel

CLOSED

December 16, 2004

Plaintiff filed Claim. Amount of Claim: unspecified.

December 16, 2004

Board called Plaintiff advising of filing deficiencies: lacks proof of mailing, filing fee, verification and 3 copies. Faxed notice of deficiency to Plaintiff.

December 20, 2004

Plaintiff filed proof of mailing, filing fee, verification and 3 copies. ACCEPTED FOR FURTHER PROCESSING.

December 21, 2004

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

January 3, 2005

Attorney General filed Acknowledgment form of claim. Receipt of same acknowledged December 29, 2004.

January 18, 2005

Plaintiff and Defendant filed a joint letter/stipulation requesting an indefinite stay of the proceedings in this matter because the parties are currently attempting to resolve these issues.

January 24, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 24th day of January, 2005, the parties having agreed to stay this matter, it is hereby **ORDERED** and **DECREED** that these proceedings are hereby stayed for six (6) months from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

January 27, 2005

Defendant filed Acceptance of Service of Opinion and Order dated

January 24, 2005. Receipt of same acknowledged January 26, 2005.

February 1, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated January 24, 2005. Receipt of same acknowledged January 25, 2005.

January 26, 2006

Board issued letter to parties requesting a status report.

March 9, 2006

Board issued second letter to parties requesting a status report.

April 12, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 12th day of April, 2006, a Rule to Show Cause is issued upon Plaintiff, American Asphalt Paving Co., wherein it is **DIRECTED** that Plaintiff advise the Board, within 30 days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

May 26, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 26th day of May, 2006, this Order is issued as a result of the failure of Plaintiff, American Asphalt Paving Co., to file with the Board of Claims, within 30 days from April 12, 2006, a response to the Rule to Show Cause advising whether or not Plaintiff wishes to pursue the above-captioned matter. Therefore, it is **DIRECTED** that the Rule of April 12, 2006, be made **ABSOLUTE** and the record be marked "closed, discontinued and ended with prejudice"." Copy forwarded to Plaintiff and

Defendant.

June 2, 2006

Defendant filed Acceptance of Service of Opinion and Order dated May 26, 2006. Receipt of same acknowledged May 31, 2006.
