

Docket Number: 3742

THE MASHUDA CORPORATION, FOR THE USE AND BENEFIT OF THOMAS A.
MEKIS & SONS, INC. AND THOMAS A. MEKIS & SONS, INC.

James W. Kutz, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRNASPORTATION

Jeffrey W. Davis, Assistant Counsel

December 22, 2004

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$532,608.64.

December 23, 2004

Board telephoned Plaintiff advising of filing deficiency: lacks proper verification. Faxed notice of deficiency to Plaintiff.

December 23, 2004

Plaintiff filed (via fax) verification. Copy forwarded to Defendant. ACCEPTED FOR FURTHER PROCESSING.

December 27, 2004

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

December 30, 2004

Plaintiff filed letter advising of the Verification for New Claim.

January 3, 2005

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

January 24, 2005

Defendant filed Answer With New Matter.

March 30, 2005

Plaintiff filed Reply of Plaintiffs to New Matter of Defendants.

May 8, 2006

Board issued letter to parties requesting a status report.

May 31, 2006

Defendant filed letter advising that discovery is ongoing.

December 5, 2006

Notice of Service of Plaintiffs' Reply to Defendant's First Request for Production of Documents, Plaintiffs' Objections and Answers to Defendant's First Set of Interrogatories, Plaintiffs' Second Set of Request for Production Directed to Defendant Pennsylvania Department of Transportation, Plaintiffs' Second Set of Interrogatories Directed to Defendant Pennsylvania Department of Transportation, and Notice of Intent to Serve Subpoenas to Produce Documents. Copy forwarded to Defendant.

May 31, 2007

Board issued letter to parties requesting a status report.

June 8, 2007

Plaintiff filed letter stating that they have concluded a significant exchange of documents and interrogatory responses have been exchanged. They are currently in the process of attempting to schedule depositions over the next 60 to 90 days. They have also requested a scheduling order be issued and scheduled for trial within a reasonable time after completion of discovery.

June 12, 2007

Board issued proposed scheduling order to parties.

June 27, 2007

Defendant filed its Proposed Scheduling Order.

July 10, 2007

Plaintiff filed its Proposed Scheduling Order.

July 12, 2007

Board issued Order. Scheduling Order as follows: **"AND NOW**, this 12th day of July, 2007, it is hereby **ORDERED** and **DECREED** as

follows: 1. The last day for plaintiff=s expert report, if any, to be provided to defendant is December 14, 2007¹; 2. The last day for defendant=s expert report, if any, to be provided to plaintiff is January 15, 2008¹; 3. All discovery, including exchange of expert rebuttal reports, shall be completed by February 15, 2008²; 4. The last day for filing pre-trial motions is March 3, 2008²; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than April 14, 2008 Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, April 23, 2008 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Monday, June 23, 2008 and running through Friday, June 27, 2008, or as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 commencing at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

July 18, 2007

Plaintiff filed Acceptance of Service of Scheduling Order dated July 12, 2007. Receipt of same acknowledged on July 16, 2007.

April 9, 2008

Board rendered an Amended Scheduling Order. Amended Order as follows: **"AND NOW**, this 9th day of April, 2008, it is hereby **ORDERED** that the Board's Scheduling Order of July 12, 2007, is amended insofar as the pre-trial statements that were previously due April 14, 2008, are now due May 13, 2008, and the pre-trial conference previously scheduled for April 23, 2008, shall be rescheduled for May 16, 2008 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101. In all other respects, the Scheduling Order of July 12, 2007 remains the same." Copy forwarded to Plaintiff and Defendant.

April 16, 2008

Plaintiff filed Acceptance of Service of Amended Scheduling Order. Receipt of same acknowledged April 14, 2008.

May 14, 2008

Plaintiff filed letter via fax advising that the parties have reached a settlement. The settlement is contingent on the parties being able to agree to the terms of a mutual release and upon payment being received by Plaintiff. Once payment is received, Plaintiffs will file a Praecipe to Discontinue this action with the Board.

May 14, 2008

Plaintiff filed letter via U.S. mail advising that the parties have reached a settlement. The settlement is contingent on the parties being able to agree to the terms of a mutual release and upon payment being received by Plaintiff. Once payment is received, Plaintiffs will file a Praecipe to Discontinue this action with the Board.

May 15, 2008

Plaintiff filed letter via fax confirming its conversation with the Board that the case has been settled, the parties request the Pre-Trial Conference scheduled for May 16, 2008 be cancelled. Similarly, the parties request that the trial in this matter scheduled for late June be cancelled. Defendant concurs with this request.

May 16, 2008

Plaintiff filed letter via U.S. Mail confirming its conversation with the Board of Claims that the parties have settled, and request that the Pre-Trial Conference scheduled for Friday, May 16, 2008, be cancelled. Similarly, the parties request that the trial in this matter scheduled for late June be cancelled as well. Once payment has ultimately been received by Plaintiffs, the Board will be notified to discontinue this matter.

May 16, 2008

Board canceled (Board Hearing) which was scheduled for June 23-27, 2008, per Plaintiff's correspondence.

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.

February 27, 2015

Plaintiff filed Praecipe to Discontinue.

March 2, 2015

Board rendered Order. Order as follows: "**AND NOW**, this 2nd day of March, 2015, upon receipt of a praecipe executed by James W. Kutz, Esquire, on behalf of the Plaintiffs, The Mashuda Corporation, for the use and benefit of Thomas A. Mekis & Sons, Inc. and Thomas A. Mekis & Sons, Inc., requesting that the Board mark the above-captioned proceeding settled, ended and discontinued with prejudice, docketed with this Board under date of February 27, 2015, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

March 12, 2015

Defendant filed Acceptance of Service of Order dated March 2, 2015. Receipt of same acknowledged March 4, 2015.

March 12, 2015

Plaintiff filed Acceptance of Service of Order dated March 2, 2015. Receipt of same acknowledged March 10, 2015.

CLOSED