

Docket Number: 3746

DANIEL J. BRINSKY

~~James P. Sommers, Esquire~~
Thomas E. Weiers, Jr., Esquire
Richard J. Saxe, Jr., Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
~~Christopher Zettlemoyer, Chief Counsel~~

DEPARTMENT OF GENERAL SERVICES
~~Trent Hargrove, Chief Counsel~~
Michael Barrett, Senior Counsel

January 19, 2005

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$367,499.44+

January 21, 2005

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

January 31, 2005

Chief Deputy Attorney General filed acknowledgement of Claim form. Receipt of same acknowledged January 26, 2005.

February 22, 2005

Defendant filed Answer and New Matter to Plaintiff's Statement of Claim. Copy forwarded to Plaintiff.

March 21, 2005

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

November 7, 2005

Plaintiff filed a letter requesting this matter be scheduled for trial at the earliest convenience of the Board.

November 8, 2005

Defendant filed (via fax) letter, in response to Plaintiff's letter requesting a trial, advising the Board that Defendant has not completed discovery and wished to do so sometime after January, therefore, this matter is not ready for trial.

November 9, 2005

Defendant filed (via U.S. mail) letter, in response to Plaintiff's letter requesting a trial, advising the Board that Defendant has not completed discovery and wished to do so sometime after January, therefore, this matter is not ready for trial.

November 14, 2005

Board forwarded letter to parties requesting proposed scheduling orders.

November 29, 2005

Defendant filed (via fax) proposed scheduling order. Copy forwarded to Plaintiff.

December 7, 2005

Plaintiff filed (via fax) proposed scheduling order. Copy forwarded to Defendant.

December 12, 2005

Plaintiff filed (via US mail) proposed scheduling order. Copy forwarded to Defendant.

December 30, 2005

Board rendered an Order. Order as follows: **"AND NOW**, this 30th day of December, 2005, 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 February 10, 2006; 2. The last day for defendant's expert report, if any, to be provided to plaintiff is March 6, 2006; 3. All discovery, including exchange of expert rebuttal reports shall be completed by March 17, 2006; 4. The last day for filing Pre-Trial Motions is April 7, 2006; 5. Pre-Trial Statements of both parties shall be filed with the Board and served upon one another no later than May 8, 2006 (Please note BOC R.P. 501(b) and (c)(3)); 6. A Pre-Trial Conference is scheduled for Wednesday, May 17, 2006, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; and 7. This matter is set for hearing beginning on June 28, 2006 and running through June 29, 2006, as necessary. Said hearing shall be held at the Saint Joseph's Center, 2900 Seminary Drive, Greensburg, PA commencing at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

January 6, 2006

Defendant filed Acceptance of Service of Scheduling Order dated December 30, 2005. Receipt of same acknowledged January 6, 2006.

January 6, 2006

Plaintiff filed Acceptance of Service of Scheduling Order dated December 30, 2005. Receipt of same acknowledged January 4, 2006.

January 12, 2006

Plaintiff filed Praecipe for Substitution of Appearance withdrawing the appearance of James P. Sommers, Esquire and entering the appearance of Thomas E. Weiers, Jr., Esquire and Richard J. Saxe, Jr., Esquire on behalf of the Plaintiff. Copy forwarded to Defendant.

February 17, 2006

Plaintiff filed Notice of Service of Plaintiff's first set of interrogatories and first request for production of documents. Copy forwarded to Defendant.

May 10, 2006

Plaintiff filed letter addressed to Defendant advising parties have signed Settlement Agreement and Releases and will be filing praecipe upon receipt of settlement check.

May 11, 2006

Board canceled Panel Hearing which was scheduled for June 28, 2006 through June 29, 2006 per Plaintiff's letter request.

August 3, 2006

Plaintiff filed Praecipe to Settle, Discontinue and End. Copy forwarded to Defendant.

August 11, 2006

Board rendered Order. Order as follows: "**AND NOW**, this 11th day of August, 2006, upon receipt of a Praecipe to Settle, Discontinue and End executed by Thomas E. Weiers, Jr., Esquire, on behalf of Plaintiff, Daniel J. Brinsky, requesting that the Board "Kindly mark the above matter settled, discontinued and ended." docketed with this Board under date of August 3, 2006, it is **ORDERED** and **DECREED** that the above-captioned matter be marked 'settled, discontinued and ended with prejudice.'" Copy forwarded to parties.

August 16, 2006

Defendant filed Acceptance of Service of Order dated August 11, 2006. Receipt of same acknowledged August 15, 2006.

August 23, 2006

Plaintiff filed Acceptance of Service of Order dated August 11, 2006. Receipt of same acknowledged August 21, 2006.
