

Docket Number: 3754

THE FARFIELD COMPANY

Theodore A. Adler, Esquire
John H. Pietrzak, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

Trent Hargrove, Chief Counsel
Tanya C. Lesko, Senior Counsel

CLOSED

February 22, 2005

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$3,000+.

February 23, 2005

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

March 4, 2005

Chief Deputy Attorney General filed an Acknowledgement of Claim form. Receipt of same acknowledged by Chief Deputy Attorney General March 1, 2005.

March 24, 2005

Defendant filed Answer and New Matter. Copy forwarded to Plaintiff.

March 29, 2005

Plaintiff filed Plaintiff's Reply to Respondent's New Matter. Copy forwarded to all parties of record. .

April 1, 2005

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

April 14, 2005

Defendant filed a letter confirming a twenty day extension of time in which Plaintiff granted them to file its response to the Request for Admissions with Interrogatories in the above matter.

April 25, 2005

Defendant filed a letter confirming an extension of time of twenty (20 days within which Plaintiff granted them to respond to Request for Admissions With Interrogatories in this matter.

May 19, 2005

Defendant filed Notice of Service of Commonwealth's Responses to Plaintiff's Request for Admissions and Interrogatories. Copy forwarded to Plaintiff.

June 2, 2005

Plaintiff filed the Farfield Company's Motion for Summary Judgment and Brief in Support. Copy forwarded to Defendant. [04A070805D]

July 5, 2005

Defendant filed DGS's Motion for Summary Judgment. Copy forwarded to Plaintiff. [04A071305D]

July 5, 2005

Defendant filed DGS's Response in Opposition to Plaintiff, Farfield's Motion for Summary Judgment. Copy forwarded to Plaintiff.

August 24, 2005

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 24th day of August, 2005, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion for Summary Judgment and Defendant's Motion for Summary Judgment are **DENIED**. Copies forwarded to all parties of record.

August 30, 2005

Defendant filed an Acceptance of Service of Opinion and Order. Receipt of same acknowledged by Defendant August 25, 2005.

September 8, 2005

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

September 8, 2005

Plaintiff filed a letter requesting the Board to proceed to schedule a hearing in this matter.

September 9, 2005

Board forwarded letter to parties requesting a proposed scheduling order.

September 20, 2005

Defendant filed a letter requesting that the parties be given a chance to meet with the Board regarding the parties' agreement that the variable frequency drive contains some amount of steel or steel components.

September 23, 2005

Plaintiff filed (via fax) a proposed scheduling order as requested by the Board.

September 27, 2005

Plaintiff filed (via US mail) a proposed scheduling order as requested by the Board.

September 28, 2005

Board rendered an Order. Order as follows: "**AND NOW**, this 28th day of September, 2005, pursuant to the request of the Defendant for a conference, it is **ORDERED** that a status conference shall be held on October 11, 2005, at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m. Any party may participate by teleconference provided that a party wishing to do so contacts the Board for instructions at least seven (7) days prior to the conference and places the teleconference call as the Board directs." Copy forwarded to Plaintiff and Defendant.

September 30, 2005

Plaintiff filed Acceptance of Service of Order dated September 28, 2005. Receipt of same acknowledged September 29, 2005.

October 3, 2005

Defendant filed Acceptance of Service of Order dated September 28, 2005. Receipt of same acknowledged September 30, 2005.

October 11, 2005

Board held status conference at 1:00 p.m. in the Judges' Office.

December 21, 2005

Plaintiff filed the Farfield Company's Second Motion for Summary Judgment and Brief in Support. Copy forwarded to Defendant.

December 23, 2005

Plaintiff filed Praecipe to Replace Verification of counsel attached to Plaintiff's Second Motion for Summary Judgment. Copy forwarded to Defendant.

December 29, 2005

Defendant filed (via fax) letter advising that Defendant plans to file a Second Motion for Summary Judgment early next week, and requesting the Board to refrain from deciding upon Plaintiff's Motion for Summary Judgment until both motions are in hand.

December 30, 2005

Defendant filed (via US mail) letter advising that Defendant plans to file a Second Motion for Summary Judgment early next week, and requesting the Board to refrain from deciding upon Plaintiff's Motion for Summary Judgment until both motions are in hand.

January 5, 2006

Defendant filed Second Motion for Summary Judgment and Brief in Support. Copy forwarded to Plaintiff.

January 23, 2006

Plaintiff filed letter advising that the parties filed cross motions for summary judgment and this matter is now ripe for a decision. Copy forwarded to Defendant.

April 10, 2006

Defendant filed materials requested in the March 21, 2006, telephone conference with the Assistant Chief Counsel of the Board.

April 21, 2006

Plaintiff filed Affidavit of Dennis Pierce, Chief Operating Office of The Farfield Company. Copy forwarded to Defendant.

April 26, 2006

Defendant filed a letter advising that Defendant does not contest the affidavit filed by Plaintiff.

May 25, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th day of May, 2006, it is **ORDERED** and **DECREED** that Plaintiff's motion for summary judgment shall be **GRANTED**, and Defendant's motion for summary judgment shall be **DENIED**. Judgment is entered in favor of Plaintiff, The Farfield Company, and against Defendant, Commonwealth of Pennsylvania, Department of General Services in the amount of \$3,286.34 comprised of the \$3,000 withheld, plus statutory interest at 6% per annum from October 19, 2004, the date this claim was filed with Defendant, to present. In addition, Plaintiff shall be awarded post-judgment interest on the total amount running from the date of this Order until paid in full. Each party shall bear its own costs and attorneys' fees." Copy forwarded to Plaintiff and Defendant.

May 31, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated

May 25, 2006. Receipt of same acknowledged May 30, 2006.

June 5, 2006

Defendant filed Acceptance of Service of Opinion and Order dated May 25, 2006. Receipt of same acknowledged May 31, 2006.

June 6, 2006

Attorney General filed Acceptance of Service of Opinion and Order dated May 25, 2006. Receipt of same acknowledged June 5, 2006.

June 26, 2006

Commonwealth Court filed Notice of Filing Petition for Review. [1195 CD 2006]

June 26, 2006

Defendant filed copy of Petition for Review as filed in Commonwealth Court.

July 10, 2006

File transferred to Commonwealth Court.

August 3, 2006

Plaintiff filed Appellee, The Farfield Company's, Mediation Memorandum, as filed in Commonwealth Court.

January 8, 2007

Commonwealth Court rendered Order. Order as follows: "AND NOW, this 5th day of January, 2007, the order of the Board of Claims of Pennsylvania is affirmed."

April 11, 2007

Supreme Court filed Notice of Petition for Allowance of Appeal. [120 MAL 2007]

July 25, 2007

Supreme Court rendered Order. Order as follows: "AND NOW, this 6th day of July, 2007, the Petition for Allowance of Appeal is hereby DENIED."

July 30, 2007

Commonwealth Court returned file.
