

Docket Number: 3765

**EMPLOYER'S INSURANCE OF WAUSAU, a Mutual Company**

W. Alan Torrance, Jr., Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

Christopher F. Wilson, Assistant Counsel

**March 21, 2005**

By Order of the Commonwealth Court, case filed. Order as follows:  
NOW, March 21, 2005, it appearing that the Pennsylvania Supreme Court on January 18, 2005, remanded this matter to this Court 'with directions that the court transfer the matter to the Board of Claims,' this matter is transferred to the Board of Claims.

**THE FOLLOWING FILED IN COMMONWEALTH COURT**

**November 8, 2002**

Petition for Review filed.

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**November 13, 2002**

Notice Exited.

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**January 8, 2003**

Preliminary Objections filed by DOT.

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**January 13, 2003**

Tentative Argument set for April, 2003.

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**January 13, 2003**

Letter.

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**January 13, 2003**

Praecipe for Appearance of Christopher Wilson

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**February 10, 2003**

Argument Scheduled.

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**February 12, 2003**

Respondent's Brief filed.

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**March 10, 2003**

Petitioner's Brief filed in opposition to Pos.

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**May 2, 2003**

Preliminary Objections sustained.

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**May 14, 2003**

Application for Reargument.

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**May 21, 2003**

Order denying application for Reargument.

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**June 2, 2003**

Notice of Appeal to PA Supreme Court filed.

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**January 18, 2005**

Remanded from Supreme Court.

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**March 21, 2005**

Transfer of record.

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**April 14, 2005**

Transfer to Tribunal (Board of Claims).

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**March 21, 2005**

Commonwealth Court transferred record.

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**BEFORE THE BOARD OF CLAIMS**

**April 18, 2005**

Board of Claims received file from Commonwealth Court. Amount of Claim: \$60,470.59.

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**April 22, 2005**

Board issued letter to Plaintiff requesting additional copies of Claim, proof of mailing, verification and filing fee.

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**November 14, 2005**

Board issued a second letter to Plaintiff requesting additional information, restated claim, proof of mailing, verification and filing fee.

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**\*December 12, 2005**

Plaintiff filed restated claim, proof of mailing, verification and filing fee. Amount of Claim: \$87,432.35+. ACCEPTED FOR FURTHER PROCESSING.

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**December 13, 2005**

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

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**December 20, 2005**

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged December 16, 2005.

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**January 5, 2006**

Defendant filed Preliminary Objections and Brief in Support. [04A021606D]

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**February 6, 2006**

Plaintiff filed Answer and New Matter to Preliminary Objections and Brief in Opposition.

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**February 16, 2006**

Defendant filed Reply to New Matter.

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**March 17, 2006**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 17<sup>th</sup> day of March, 2006, it is **ORDERED** and **DECREED** that defendant's preliminary objections in the forms of a demurrer alleging sovereign immunity and the running of the statute of limitations are **OVERRULED**. Defendant's motion for a more specific pleading is also **OVERRULED**. Defendant's preliminary objection in the form of a demurrer relating to attorney's fees is **GRANTED** with leave of plaintiff to file an amended claim within 20 days of the exit date of this Order. Defendant is directed to file a response to plaintiff's restated claim 20 days after receipt of plaintiff's amended restated claim or 30 days from the exit date of this Order should plaintiff fail to amend its claim." Copy forwarded to Plaintiff and Defendant.

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**March 22, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated March 17, 2006. Receipt of same acknowledged March 20, 2006.

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**March 27, 2006**

Defendant filed Acceptance of Service of Opinion and Order dated March 17, 2006. Receipt of same acknowledged March 21, 2006.

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**\*April 6, 2006**

Plaintiff filed Amended Restated Claim and proof of mailing. Amount of Claim: \$87,432.35+.

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**April 7, 2006**

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

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**April 12, 2006**

Attorney General filed Acknowledgment of Amended Restated Claim form. Receipt of same acknowledged April 11, 2006.

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**April 19, 2006**

Defendant filed Preliminary Objections and Brief in Support.  
[04A052206D]

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**May 5, 2006**

Defendant filed Motion to Compel Answers to Interrogatories Pursuant to Pa. R.C.P. 4019(a)(1)(i).

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**May 19, 2006**

Plaintiff filed Answer to Preliminary Objections and Brief in Opposition.

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**May 31, 2006**

Plaintiff transmitted letter via fax advising that Answers to Defendant's Interrogatories are expected to be served next week, therefore, any formal action on Defendant's Motion to Compel is unnecessary.

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**June 5, 2006**

Plaintiff filed Notice of Service of Answers to Defendant's First Set of Interrogatories Directed to Plaintiff.

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**June 8, 2006**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 8<sup>th</sup> day of June, 2006, it is hereby **ORDERED** and **DECREED** that the motion to compel answers to Defendant's interrogatories filed by the Defendant on May 5, 2006, is hereby **DENIED** as **MOOT**." Copy forwarded to Plaintiff and Defendant.

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**June 12, 2006**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 12<sup>th</sup> day of June, 2006, Defendant, Commonwealth of Pennsylvania, Department of Transportation's preliminary objections to Plaintiff's amended restated claim are **DISMISSED**. Defendant is granted leave to file a responsive pleading within 20 days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

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**June 22, 2006**

Defendant filed Acceptance of Service of Opinion and Order dated June 8, 2006. Receipt of same acknowledged June 15, 2006.

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**June 23, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated June 8, 2006. Receipt of same acknowledged June 20, 2006.

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**June 26, 2006**

Plaintiff filed Acceptance of Service of Opinion and Order dated June 12, 2006. Receipt of same acknowledged June 20, 2006.

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**July 3, 2006**

Defendant filed Answer and New Matter.

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**July 11, 2006**

Defendant filed Acceptance of Service of Opinion and Order dated June 12, 2006. Receipt of same acknowledged June 15, 2006.

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**July 14, 2006**

Defendant filed Notice of Service of Interrogatories Directed to Plaintiff (2<sup>nd</sup> Set).

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**July 20, 2006**

Plaintiff filed Notice of Service of Claimant's Interrogatories and Request for Production of Documents directed toward Defendant.

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**July 27, 2006**

Plaintiff filed Reply to New Matter.

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**July 28, 2006**

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

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**August 22, 2006**

Defendant filed Motion to Compel Plaintiff's Answer to Discovery Request Pursuant to PA. R.C.P. 4019.

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**September 11, 2006**

Plaintiff filed Notice of Service of Plaintiff's Answers to Defendant's Second Set of Interrogatories Directed to Plaintiff.

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**October 2, 2006**

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 2<sup>nd</sup> day of October, 2006, it is hereby **ORDERED** and **DECREED** that the motion to compel Plaintiff's answers to discovery request filed by the Defendant on August 22, 2006, is hereby **DENIED** as **MOOT.**" Copy forwarded to Plaintiff and Defendant.

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**October 2, 2007**

Board issued letter to parties requesting a status report.

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**October 15, 2007**

Defendant filed a status letter stating that the parties are still in discovery and that it expects that over the next year all pre-trial activity would be finished.

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**November 2, 2007**

Plaintiff transmitted a status letter via fax stating that they concur with the Defendant that additional discovery may be required over the next six months.

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**November 7, 2007**

Plaintiff filed a status letter stating that they concur with the Defendant that additional discovery may be required over the next six months.

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**April 24, 2013**

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.

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**June 10, 2014**

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 10<sup>th</sup> day of June, 2014, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity." Copy forwarded to Plaintiff and Defendant.

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**June 24, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated June 10, 2014. Receipt of same acknowledged June 23, 2014.

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