

Docket Number: 3788

THE FARFIELD COMPANY

Theodore A. Adler, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Trent Hargrove, Chief Counsel~~  
~~Tanya C. Leshko, Senior Counsel~~  
David L. Narkiewicz, Assistant Chief Counsel

**August 31, 2005**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$94,430.72+. ACCEPTED FOR FURTHER PROCESSING.

---

**September 2, 2005**

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

---

**September 16, 2005**

Chief Deputy Attorney General filed an Acceptance of Service form. Receipt of same acknowledged by Chief Deputy Attorney General September 14, 2005.

---

**September 30, 2005**

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

---

**October 13, 2005**

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

---

**October 14, 2005**

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

---

**March 1, 2006**

Plaintiff filed letter advising that discovery has been completed and requesting this matter be scheduled for hearing.

---

**March 6, 2006**

Board forwarded letter to parties requesting information regarding scheduling a hearing.

---

**March 17, 2006**

Plaintiff filed proposed dates for a Scheduling Order. Copy

forwarded to Defendant.

---

**March 21, 2006**

Defendant filed proposed dates for a scheduling order. Copy forwarded to Plaintiff.

---

**March 21, 2006**

Board scheduled a status conference for Monday, March 27, 2006 at 11:00 a.m. in the Judge's Office.

---

**March 27, 2006**

Board held a status conference at 11:00 a.m. in the Judge's Office.

---

**March 29, 2006**

Board rendered a Scheduling Order. Order as follows: **"AND NOW,** this 29<sup>th</sup> day of March, 2006, pursuant to the agreement of the parties, it is hereby **ORDERED** and **DECREED** as follows: 1. No further discovery will be conducted by Plaintiff in this matter; 2. Plaintiff will respond to Defendant's interrogatories within 10 days of receipt thereof; 3. All discovery shall be completed by April 24, 2006; 4. Pre-trial statements shall be filed by both parties by May 8, 2006; 5. Neither party will file pre-trial motions; 6. This matter is set for hearing beginning on Monday, May 22, 2006, and running through Tuesday, May 23, 2006, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101 commencing at 9:30 a.m.; and 7. No additional pre-trial conference is scheduled. A party may request a pre-trial conference to the extent it can be scheduled so as not to delay the hearing in this matter." Copy forwarded to Plaintiff and Defendant.

---

**April 3, 2006**

Acceptance of Service of Scheduling Order dated March 29, 2006 received from Plaintiff. Receipt of same acknowledged March 31, 2006.

---

**April 4, 2006**

Acceptance of Service of Scheduling Order dated March 29, 2006 received from Defendant. Receipt of same acknowledged March 31, 2006.

---

**May 8, 2006**

Plaintiff filed pre-trial statement. Copy forwarded to Defendant.

---

**May 8, 2006**

Defendant filed pre-trial statement. Copy forwarded to Plaintiff.

---

**May 19, 2006**

Defendant filed letter (via fax) requesting the Board postpone the trial scheduled for May 22 and 23, 2006 for a few weeks.

---

**May 22, 2006**

Defendant filed letter (via U.S. mail) requesting the Board postpone the trial scheduled for May 22 and 23, 2006 for a few weeks.

---

**May 24, 2006**

Board rendered an Amended Scheduling Order. Order as follows: **"AND NOW**, this 24<sup>th</sup> day of May, 2006, pursuant to the request of the defendant, Commonwealth of Pennsylvania, Department of General Services, and the agreement of the plaintiff, The Farfield Company, it is hereby **ORDERED** and **DECREED** that the date for hearing in this matter be amended and the hearing originally set to begin on Monday, May 22, 2006 has been postponed and is now set to begin on Wednesday, June 28, 2006 and to run through Thursday, June 29, 2006, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101 commencing at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

---

**May 26, 2006**

Plaintiff filed Acceptance of Service of Amended Scheduling

Order dated May 24, 2006. Receipt of same acknowledged May 25, 2006.

---

**May 31, 2006**

Defendant filed Acceptance of Service of Amended Scheduling Order dated May 24, 2006. Receipt of same acknowledged May 30, 2006.

---

**June 28, 2006**

Panel Hearing (Martin/Kline) held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101 commencing at 9:30 a.m. Case completed.

---

**August 10, 2006**

Testimony of hearing panel hearing held June 28, 2006 filed.

---

**August 11, 2006**

Board forwarded copy of testimony of panel hearing held June 28, 2006 to Defendant.

---

**August 16, 2006**

Defendant filed Acceptance of Service of testimony of panel hearing held June 28, 2006. Receipt of same acknowledged August 14, 2006.

---

**September 22, 2006**

Plaintiff filed Suggested Findings of Fact, Conclusions of Law and Brief in Support. Copy forwarded to Defendant.

---

**October 23, 2006**

Defendant filed Suggested Findings of Fact, Conclusions of Law and Brief in Support. Copy forwarded to Plaintiff.

---

**November 6, 2006**

Plaintiff filed Reply Brief. Copy forwarded to Defendant.

---

**January 5, 2007**

Panel members filed panel report.

---

**February 23, 2007**

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 23<sup>rd</sup> day of February, 2007, **IT IS ORDERED** and **DECREED** that judgment be entered in favor of Plaintiff, The Farfield Company, and against Defendant, Commonwealth of Pennsylvania, Department of General Services, in the sum of \$105,307.34 composed of \$94,657.94 in damages plus \$10,649.40 in prejudgment interest accruing thereon from April 8, 2005, to the date of this Order. In addition, Farfield is awarded post-judgment interest on the outstanding judgment at the statutory rate for judgments (6% per annum) beginning on the date of this Order and continuing until the judgment is paid in full. Each party herein will bear its own costs and attorney fees." Copy forwarded to Plaintiff, Defendant and Attorney General.

---

**February 28, 2007**

Plaintiff filed Acceptance of Service of Opinion and Order dated February 23, 2007. Receipt of same acknowledged February 26, 2007.

---

**February 28, 2007**

Defendant filed Acceptance of Service of Opinion and Order dated February 23, 2007. Receipt of same acknowledged February 27, 2007.

---

**March 1, 2007**

Attorney General filed Acceptance of Service of Opinion and Order dated February 23, 2007. Receipt of same acknowledged February 28, 2007.

---

**June 5, 2007**

Plaintiff and Defendant filed Stipulation Between The Farfield Company and the Department of General Services.

---

**June 8, 2007**

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 8<sup>th</sup> day of June, 2007, the joint motion of the parties for reconsideration of the Board's Order of February 23, 2007, is **GRANTED**. The parties shall advise the Board of settlement status within 10 days of the exit date of this order. Upon such advice the Board will determine whether to vacate or reaffirm its Order of February 23, 2007." Copy forwarded to Plaintiff and Defendant.

---

**June 12, 2007**

Defendant filed Acceptance of Service of Opinion and Order dated June 8, 2007. Receipt of same acknowledged June 11, 2007.

---

**June 13, 2007**

Plaintiff filed Acceptance of Service of Opinion and Order dated June 8, 2007. Receipt of same acknowledged June 13, 2007.

---

**July 2, 2007**

Plaintiff filed (via fax) letter advising that the settlement agreement between the parties is still being processed by Defendant and that payment to Fairfield will not be made until at least July 15, 2007.

---

**July 20, 2007**

Plaintiff filed (via fax) letter advising that DGS has failed to consummate the settlement agreement and requesting that the Board establish a fixed deadline of August 17, 2007, by which

the settlement must be achieved and payment made to Plaintiff, and if payment is not made, that the Board declare the stipulation void.

---

**July 23, 2007**

Plaintiff filed (via U.S. Mail) letter advising that DGS has failed to consummate the settlement agreement and requesting that the Board establish a fixed deadline of August 17, 2007, by which the settlement must be achieved and payment made to Plaintiff, and if payment is not made, that the Board declare the stipulation void.

---

**July 31, 2007**

Board forwarded letter to Plaintiff, with copy to Defendant, responding to Plaintiff's letter of July 20, 2007, and advising that the Board will issue its final order on reconsideration no later than August 20, 2007.

---

**August 15, 2007**

Plaintiff filed letter advising that a fully executed settlement agreement and release was returned to Plaintiff and that Defendant will be disbursing a check in the near future.

---

**August 16, 2007**

Plaintiff filed Praecipe to Mark Settled and Discontinued and Ended. Copy forwarded to Defendant.

---

**August 17, 2007**

Board rendered an Order. Order as follows: "**AND NOW**, this 17<sup>th</sup> day of August, 2007, upon receipt of a praecipe executed by Theodore A. Adler, Esquire, on behalf of Plaintiff, The Farfield Company, requesting the Board to kindly mark the above-captioned action settled, discontinued and ended with prejudice, docketed

with this Board under date of August 16, 2007, it is **ORDERED** and **DIRECTED** that the above-captioned action be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

---

**August 17, 2007**

Plaintiff filed letter advising that the settlement check has been received.

---

**August 21, 2007**

Plaintiff filed Acceptance of Service of Order dated August 17, 2007. Receipt of same acknowledged August 17, 2007.

---

**August 22, 2007**

Defendant filed Acceptance of Service of Order dated August 17, 2007. Receipt of same acknowledged August 20, 2007.

---