

Docket Number: 3790

MILLER BROS. CONSTRUCTION, INC.

JASON A. COPLEY, ESQUIRE
LUCY H. HALATYN, ESQUIRE

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

TRENT HARGROVE, CHIEF COUNSEL
TANYA C. LESHKO, SENIOR COUNSEL

C L O S E D

September 6, 2005

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$244,986+.

September 7, 2005

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

September 15, 2005

Chief Deputy Attorney General filed Acknowledgment of Claim form dated September 7, 2005. Receipt of same acknowledged September 12, 2005.

October 24, 2005

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

November 2, 2005

Plaintiff filed Miller Bros. Construction, Inc.'s Answer to New matter of Respondent, The Department of General Services. Copy forwarded to Defendant.

November 7, 2005

Plaintiff filed a Praecipe for Entry of Appearance. Copy forwarded to Defendant.

January 23, 2006

Plaintiff filed letter requesting a status conference and trial be scheduled.

March 3, 2006

Defendant filed Notice of Service of Commonwealth's Answers to First Set of Interrogatories and Responses to First Request for Production of Documents. Copy forwarded to Plaintiff.

March 7, 2006

Board issued letter to parties directing them to respond within ten days of receipt of this letter to set a date for a status conference.

March 22, 2006

Plaintiff filed letter via fax advising of their availability for scheduling a conference with various days in March or April of 2006.

March 23, 2006

Board issued an Order. Order as follows: **AND NOW**, this 23rd day of March 2006, pursuant to the request of the Plaintiff, Miller Bros. Construction, Inc. for a conference, it is **ORDERED** that a status conference shall be held on March 29, 2006, at 200 North Third Street, Suite 700, Harrisburg, PA 17101 commencing at 11:00 a.m. Any party may participate by teleconference provided that a party wishing to do so contacts the Board for instructions at least five day prior to the conference and places the teleconference call as the Board directs. Copy forwarded to all parties of record.

March 23, 2006

Plaintiff filed letter via u.s. mail advising of their availability to attend a scheduling conference on March or April of 2006.

March 23, 2006

Board issued letter to parties requesting proposal dates for discovery, pre-trial filings and a hearing.

March 27, 2006

Defendant filed Acceptance of Service of Order. Receipt of same acknowledged by Defendant March 23, 2006.

March 27, 2006

Plaintiff filed Acceptance of Service of Order. Receipt of same acknowledged by Plaintiff March 24, 2006.

April 3, 2006

Plaintiff filed via fax letter with Proposed Scheduling Order. Copy forwarded to Defendant.

April 3, 2006

Defendant filed letter with Proposed Scheduling Order. Copy forwarded to Plaintiff.

April 5, 2006

Defendant filed an Acceptance of Service of Order dated March 23, 2006. Receipt of same acknowledged by Defendant March 29, 2006.

April 5, 2006

Plaintiff filed via u.s. mail a Proposed Scheduling Order. Copy forwarded to Defendant.

April 12, 2006

Board issued a Scheduling Order: Order as follows: **AND NOW,** this 12th day of April, 2006, 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 June 30, 2006; 2. The last day for defendant's expert report, if any, to be provided to plaintiff is July 31, 2006; 3. The exchange of expert rebuttal reports shall be completed by August 15, 2006; All discovery shall be completed by August 31, 2006 and the last day for filing pre-trial motions is September 8, 2006*; Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than September 29, 2006 (Please note BOC R.P.

501(b) and (c)(3)); A pre-trial conference is scheduled for Monday, October 23, 2006, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; and This matter is set for hearing beginning on November 13, 2006 and running through November 17, 2006, 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 all parties of record.

April 20, 2006

Defendant filed Acceptance of Service of Scheduling Order dated April 12, 2006. Receipt of same acknowledged by Defendant April 17, 2006.

April 24, 2006

Plaintiff filed Acceptance of Service of Scheduling Order dated April 12, 2006. Receipt of same acknowledged by Plaintiff April 17, 2006.

October 3, 2006

Plaintiff filed Praecipe to settle, discontinue and end. Copy forwarded to Defendant.

October 5, 2006

Board issued letter to parties canceling Panel Hearing which was scheduled for November 13, 14, 15, 16 & 17, 2006, per Plaintiff's Praecipe to settle case.

October 5, 2006

Board issued letter to Panel Members canceling the hearing.

October 5, 2006

Board issued an Order. Order as follows: **AND NOW**, this 5th day of October, 2006, upon receipt of a praecipe to mark the case settled, discontinued, and ended, executed by Jason A. Copley, Esquire on behalf of Plaintiff, Miller Bros. Construction, Inc., requesting that the Board "Kindly mark the above matter settled,

discontinued and ended" docketed with this Board under date of October 3, 2006, it is hereby **ORDERED** and **DIRECTED** that the above-captioned matter be marked "settled, discontinued and ended with prejudice." Copies forwarded to all parties of record.

October 13, 2006

Defendant filed Acceptance of Service of Order dated October 5, 2006. Receipt of same acknowledged by Defendant October 10, 2006.

October 16, 2006

Plaintiff filed Acceptance of Service of Order dated October 5, 2006. Receipt of same acknowledged by Plaintiff October 12, 2006.

C L O S E D