

Docket Number: 3791

DICK CORPORATION

~~Kenneth W. Lee, Esquire~~
Michael W. Winfield, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA TURNPIKE COMMISSION**

William A. Chesnutt, Chief Counsel
John M. Elliott, Esquire
Thomas J. Elliott, Esquire
~~Raymond J. Santarelli, Esquire~~
Roger J. Harrington, Jr., Esquire

September 7, 2005

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$1,323,614.49.

September 8, 2005

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

September 15, 2005

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged September 12, 2005.

September 16, 2005

Plaintiff filed Amended Affidavit of Service of Complaint (State of Claim).

September 20, 2005

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged September 12, 2005.

October 6, 2005

Defendant filed Preliminary Objections and Memorandum of Law in Support.

October 7, 2005

Board forwarded letter advising Plaintiff of rules for filing responses.

November 3, 2005

Plaintiff filed letter (via fax) requesting an extension of time until November 11, 2005, in which to file a response to Preliminary Objections.

November 4, 2005

Board forwarded letter to Plaintiff, with copy to Defendant, granting an extension of time until November 11, 2005, for Plaintiff to file a response to Preliminary Objections.

November 4, 2005

Plaintiff filed letter (via US mail) requesting an extension of time until November 11, 2005, in which to file a response to Preliminary Objections.

November 10, 2005

Plaintiff filed Brief in Opposition to Preliminary Objections.

January 20, 2006

Board rendered an Opinion and Order. Order as follows: **"AND NOW, this 20th day of January, 2006, upon consideration of Respondent's preliminary objections, it is hereby ORDERED, ADJUDGED and DECREED that said preliminary objections are DENIED."** Copy forwarded to Plaintiff and Defendant.

January 31, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated January 20, 2006. Receipt of same acknowledged January 25, 2006.

February 2, 2006

Defendant filed Acceptance of Service of Opinion and Order dated January 20, 2006. Receipt of same acknowledged January 25, 2006.

February 17, 2006

Defendant filed (via fax) letter requesting an extension of time until March 14, 2006, in which to file its answer to the statement of claim.

February 17, 2006

Board forwarded letter to Defendant, with copy to Plaintiff, granting an extension of time until March 14, 2006, in which to file its answer to the statement of claim.

February 21, 2006

Defendant filed (via U.S. mail) letter requesting an extension of time until March 14, 2006, in which to file its answer to the statement of claim.

March 14, 2006

Defendant filed Answer and New Matter.

March 15, 2006

Board forwarded letter to Plaintiff requesting response to new matter.

April 6, 2006

Plaintiff filed Preliminary Objections in the Notice of A Motion to Strike or Alternatively a Motion for More Specific Pleading to Paragraphs 103 to 112 and 114 of the New Matter of the Pennsylvania Turnpike Commission and Brief in Support. [04A050906D]

April 7, 2006

Board forwarded letter to Defendant requesting response to preliminary objections.

May 8, 2006

Defendant filed Opposition to Preliminary Objections and Memorandum of Law.

May 17, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 17th day of May, 2006, it is **ORDERED** and **DECREED** that Plaintiff's Preliminary Objections to Paragraphs 103 to 112 of Defendant's New Matter are **SUSTAINED** with leave of Defendant to amend its answer within 20 days from the exit date of this Order. Upon failure of Defendant to amend its New Matter, Paragraphs 103 to 112 will be stricken upon application by Plaintiff. Paragraph 114 of Defendant's New Matter is deemed surplusage and will be ignored." Copy forwarded to Plaintiff and Defendant.

May 19, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated May 17, 2006. Receipt of same acknowledged May 18, 2006.

June 6, 2006

Defendant filed Amended New Matter to Statement of Claim.

June 8, 2006

Board forwarded letter to Plaintiff requesting response to amended new matter.

June 22, 2006

Plaintiff filed Reply to Amended New Matter.

June 23, 2006

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

October 16, 2006

Defendant filed Notice of Service of Defendant's Interrogatories.

December 26, 2006

Plaintiff filed Notice of Service of Answers and Objections to Defendant's Interrogatories.

January 24, 2008

Board forwarded letter to parties requesting status update.

March 3, 2008

Plaintiff filed a joint status letter/report on behalf of both the parties stating that all discovery can be completed on or before December 31, 2008. The parties are attempting to work through certain disputes in regard to discovery and hope to resolve those issues without intervention of the Board.

November 17, 2008

Defendant filed Motion to Compel Plaintiff to provide Full and Complete Answers to Interrogatories, Brief in Support and Proposed Order.

November 17, 2008

Defendant filed Notice of Service of Defendant's First Request for Production of Documents Directed to Plaintiff.

November 17, 2008

Board forwarded letter to Plaintiff requesting response to motion.

November 24, 2008

Defendant filed Notice of Service of Depositions for Jeffrey Sciullo and a Corporate Designee of Plaintiff.

December 17, 2008

Plaintiff transmitted via facsimile a letter advising that Defendant has granted Plaintiff an extension until December 19, 2008 in which to file a response to Defendant's Motion to Compel.

December 18, 2008

Plaintiff transmitted via facsimile a letter advising that discovery will not be completed by December 31, 2008, but should be completed by June 30, 2009 and advised that they will provide the Board with a joint proposed scheduling order after completion of discovery.

December 18, 2008

Plaintiff filed letter (U.S. mail) advising that Defendant has granted Plaintiff an extension until December 19, 2008 in which to file a response to Defendant's Motion to Compel.

December 19, 2008

Plaintiff filed a letter (U.S. mail) advising that discovery will not be completed by December 31, 2008, but should be completed by June 30, 2009 and advised that they will provide the Board with a joint proposed scheduling order after completion of discovery.

December 19, 2008

Plaintiff filed Notice of Service of Plaintiff's Reply to Defendant's First Request for Production of Documents.

December 19, 2008

Plaintiff filed Reply to Defendant's Motion to Compel and Brief in Opposition.

December 19, 2008

Plaintiff filed letter requesting an oral argument be scheduled regarding the Defendant's Motion to Compel.

January 27, 2009

Board forwarded letter to parties scheduling an oral argument for February 19, 2009 at 200 North Third Street, 6th Floor, Court Room No. 1, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m.

February 3, 2009

Board rendered an Order. Order as follows: "**AND NOW**, this 3rd day of February, 2009, pursuant to the request of the Plaintiff for an oral argument on Defendant's Motion to Compel, it is **ORDERED** that an oral argument shall be held on Thursday, February 19, 2009, at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m." Copy forwarded to Plaintiff and Defendant.

February 9, 2009

Defendant filed Acceptance of Service of Order dated February 3, 2009. Receipt of same acknowledged February 5, 2009.

February 17, 2009

Plaintiff filed Acceptance of Service of Order dated February 3, 2009. Receipt of same acknowledged February 6, 2009.

February 18, 2009

Board canceled oral argument scheduled for February 19, 2009 at 200 North Third Street, 6th Floor, Court Room No. 1, Harrisburg, Pennsylvania 17101.

February 24, 2009

Board forwarded letter to parties scheduling an oral argument for February 27, 2009 at 200 North Third Street, 6th Floor, Court Room No. 1, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m.

February 27, 2009

Board held oral argument at 200 North Third Street, 6th Floor, Court Room No. 1, Harrisburg, Pennsylvania 17101 commencing at 1:00 p.m.

March 9, 2009

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 9th day of March, 2009, upon consideration of Defendant's motion to compel Plaintiff to provide full and complete answers to interrogatories, said motion is **GRANTED** with respect to interrogatories number 7-12, 14, 17-19, 21-24, 26, 29 and 33-35. Plaintiff is **ORDERED** to supply more specific answers to these interrogatories as set forth in this Opinion within 30 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

March 13, 2009

Defendant filed Acceptance of Service of Opinion and Order dated March 9, 2009. Receipt of same acknowledged March 11, 2009.

March 31, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated March 9, 2009. Receipt of same acknowledged March 10, 2009.

April 27, 2009

Plaintiff filed Notice of Service of Plaintiff's Amended Answer and Objections to Defendant's Interrogatories.

June 17, 2009

Plaintiff filed Notice of Service of Plaintiff's First Set of Interrogatories, First Request for Admissions, Second Set of Interrogatories and First Request for Production of Documents.

August 31, 2009

Defendant filed Notice of Service of Defendant's Answer to Plaintiff's First Set of Interrogatories, Defendant's Answer to Plaintiff's First Request for Production of Documents, and Defendant's Answer to Plaintiff's First Request for Admissions and Second Set of Interrogatories.

September 8, 2015

Defendant filed withdraw/entry of appearance withdrawing the appearance of Raymond J. Santarelli, Esquire and entering appearance of Roger J. Harrington, Jr., Esquire, on behalf of Defendant.

April 4, 2017

Defendant filed Motion for Summary Judgment and Memorandum of Law in Support.

April 4, 2017

Board forwarded letter to Plaintiff requesting response to Defendant's Motion for Summary Judgment and Memorandum of Law in Support.

April 19, 2017

Plaintiff transmitted via facsimile a letter requesting an extension of time until May 12, 2017 in which to file its response to motion for summary judgment.

April 20, 2017

Board forwarded letter to Plaintiff, with copy to Defendant, granting extension of time request.

April 20, 2017

Plaintiff filed via U.S. Mail a letter requesting an extension of time until May 12, 2017 in which to file its response to motion for summary judgment.

May 12, 2017

Plaintiff filed its brief in opposition to Defendant's motion for summary judgment.

June 6, 2017

Board forwarded letter to parties requesting date for status/settlement conference.

June 9, 2017

Defendant filed Reply in Support of its Motion for Summary Judgement.

June 20, 2017

Board forwarded letter, via Facsimile & U.S. Mail, to parties scheduling a status conference for Thursday, June 22, 2017 at 1:00 p.m.

June 21, 2017

Plaintiff filed Sur-Reply Brief in Opposition to Defendant's Motion for Summary Judgment.

June 22, 2017

Board held status conference on June 22, 2017.

July 12, 2017

Plaintiff transmitted via facsimile a letter requesting an extension of time for the submission of the legal memoranda as to the points raised at the conference to and including August 4, 2017 and advising that there is no objection by any party to this extension.

July 13, 2017

Board forwarded letter to Plaintiff, with copy to Defendant, granting extension of time until August 4, 2017 in which to file the legal memoranda as to the points raised at the conference.

July 13, 2017

Plaintiff filed via U.S. mail a letter requesting an extension of time for the submission of the legal memoranda as to the points raised at the conference to and including August 4, 2017 and advising that there is no objection by any party to this extension.

August 4, 2017

Defendant filed its Additional Briefing in Support of its Motion for Summary Judgment as directed at the Board's June 22, 2017 status conference as well as a disc of the contract documents between the parties.

August 4, 2017

Plaintiff filed memorandum pursuant to the Board's June 22, 2017 status conference.

August 24, 2017

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 24th day of August, 2017, upon consideration of the Motion for Summary Judgment filed by Defendant, Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, and the responses and briefs filed by the parties, it is **ORDERED** and **DECREED** that said Motion is **GRANTED IN PART** and **DENIED IN PART**. Summary judgment of no liability is **GRANTED** in favor of the Pennsylvania Turnpike Commission on Counts I and II. The Pennsylvania Turnpike Commission's motion for summary judgment as to Count III is **DENIED**." Copy forwarded to Plaintiff and Defendant.

August 30, 2017

Plaintiff filed Acceptance of Service of Opinion and Order dated August 24, 2017. Receipt of same acknowledged August 28, 2017.

September 21, 2017

Defendant filed Acceptance of Service of Opinion and Order dated August 24, 2017. Receipt of same acknowledged August 28, 2017.

June 28, 2019

Plaintiff filed Notice of Service of Plaintiff's Response to Requests for Admissions and Plaintiff's Responses to Interrogatories.

November 18, 2019

Plaintiff filed letter requesting a settlement conference.

November 19, 2019

Board forwarded letter to parties requesting date for conference.

December 4, 2019

Plaintiff filed letter advising that all counsel are available for a settlement conference on December 18, 2019 at 1:00 p.m.

December 5, 2019

Board forwarded letter to parties scheduling settlement conference for December 18, 2019 at 1:00 p.m.

December 18, 2019

Status conference held on December 18, 2019 at 1:00 p.m.

February 26, 2020

Plaintiff filed Notice of Substitution of Counsel advising that Michael W. Winfield, Esquire is substituted for Kenneth W. Lee, Esquire on behalf of Plaintiff.

July 17, 2020

Plaintiff filed Praecipe to Settle, Discontinue and End.

July 17, 2020

Board rendered Order. Order as follows: "AND NOW, this 17th day of July, 2020, upon receipt of a Praecipe executed by Michael W. Winfield, Esquire, on behalf of Plaintiff, Dick Corporation, requesting that the Board mark the above-captioned action as settled, discontinued, and ended with prejudice, docketed with this Board under date of July 17, 2020, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to all parties of record.

July 27, 2020

Plaintiff filed acceptance of service of Order dated July 17, 2020. Receipt of same acknowledged July 22, 2020.

July 27, 2020

Defendant (Kelly Decker, Esq.) filed acceptance of service of Order dated July 17, 2020. Receipt of same acknowledged July 22, 2020.
