

Docket Number: 3796

DIRENZO COAL COMPANY

Richard J. Wiest, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES,  
BUREAU OF PURCHASES

Trent Hargrove, Chief Counsel  
Michael C. Barrett, Senior Counsel

CLOSED

**\*September 16, 2005**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: unspecified. ACCEPTED FOR FURTHER PROCESSING.

---

**September 20, 2005**

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

---

**September 26, 2005**

Attorney General filed Acknowledgment of Claim Form. Receipt of same acknowledged September 22, 2005.

---

**October 17, 2005**

Defendant filed Preliminary Objections, Brief in Support and Proposed Order.

---

**\*November 16, 2005**

Plaintiff filed Amended Claim and proof of mailing. Amount of Claim: \$5,205.36+.

---

**November 21, 2005**

Board issued Acknowledgment letter and forwarded copy of claim to Attorney General.

---

**November 21, 2005**

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 21<sup>st</sup> day of November, 2005, the preliminary objections filed by the defendant on November 16, 2005, are hereby **DENIED** as **MOOT.**" Copy forwarded to Plaintiff and Defendant.

---

**November 28, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated November 21, 2005. Receipt of same acknowledged November 23, 2005.

---

**November 28, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated November 21, 2005. Receipt of same acknowledged November 23, 2005.

---

**November 29, 2005**

Attorney General filed Acknowledgment of claim form. Receipt of same acknowledged November 23, 2005.

---

**December 15, 2005**

Defendant filed Answer and New Matter to Plaintiff's Amended Claim.

---

**January 9, 2006**

Plaintiff filed Reply to New Matter.

---

**January 10, 2006**

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

---

**October 11, 2006**

Plaintiff filed letter requesting a Pre-trial Conference and advised that Defendant has no objections.

---

**January 9, 2006**

Plaintiff filed letter advising that they have been unable to contact Defendant to discuss settlement and therefore, Plaintiff requests a pre-trial conference and/or hearing be set.

---

**January 12, 2007**

Board rendered an Order. Order as follows: "**AND NOW**, this 12<sup>th</sup> day of January, 2007, pursuant to the request of Plaintiff, it is **ORDERED** that a status conference shall be held on March 6, 2007, at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 P.M. Any party may participate by teleconference provided that it contacts the Board for instructions at least seven days prior to the conference and places the teleconference call as the Board directs." Copy forwarded to Plaintiff and Defendant.

---

**January 18, 2007**

Defendant filed Acceptance of Service of Order dated January 12, 2007. Receipt of same acknowledged January 17, 2007.

---

**January 22, 2007**

Plaintiff filed Acceptance of Service of Order dated January 12, 2007. Receipt of same acknowledged January 19, 2007.

---

**March 6, 2007**

Board status conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101 commencing at 1:00 p.m.

---

**March 11, 2008**

Board forwarded letter to parties requesting a status report.

---

**March 21, 2008**

Plaintiff filed letter in response to Board's request for status advising that Defendant has not taken any action and that Plaintiff is willing to have a hearing at the Board's convenience.

---

**March 25, 2008**

Board forwarded letter to parties requesting scheduling information.

---

**April 4, 2008**

Plaintiff filed proposed scheduling order.

---

**April 9, 2008**

Defendant filed proposed scheduling order.

---

**April 23, 2008**

Board rendered an Order. Order as follows: "**AND NOW**, this 23rd day of April, 2008, 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 April 30, 2008<sup>1</sup>; 2. The last day for defendant's expert report, if any, to be provided to plaintiff is June 25, 2008<sup>1</sup>; 3. All discovery, including exchange of expert rebuttal reports, shall be completed by July 25, 2008<sup>2</sup>; 4. The last day for filing pre-trial motions is August 1, 2008<sup>2</sup>; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than September 3, 2008 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, September 10, 2008 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Tuesday, October 14, 2008, and continuing 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 Plaintiff and Defendant.

---

**April 28, 2008**

Defendant filed Acceptance of Service of Scheduling Order dated April 23, 2008. Receipt of same acknowledged April 24, 2008.

---

**April 30, 2008**

Plaintiff filed Acceptance of Service of Scheduling Order dated April 23, 2008. Receipt of same acknowledged.

---

**July 31, 2008**

Defendant filed Motion for Partial Judgment on the Pleadings or in the Alternative for Partial Summary Judgment, Brief in Support and Proposed Order. [09A082108D]

---

**August 13, 2008**

Plaintiff filed letter advising that the parties have agreed to allow Plaintiff an extension of time until August 26, 2008, in which to file its response to Defendant's Motion for Partial Judgment.

---

**August 20, 2008**

Plaintiff filed Reply to Motion for Partial Judgment on the Pleadings or in the Alternative for Partial Summary Judgment and Brief in Support.

---

**September 3, 2008**

Plaintiff filed pre-trial statement.

---

**September 3, 2008**

Defendant filed pre-trial statement.

---

**September 8, 2008**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 8<sup>th</sup> day of September, 2008, upon consideration of the Motion for Partial Judgment on the Pleadings or in the alternative for Partial Summary Judgment and the response of DiRenzo Coal Company, it is **ORDERED** and **DECREED** that the motion is **DENIED**." Copy forwarded to Plaintiff and Defendant.

---

**September 8, 2008**

Defendant transmitted via facsimile Acceptance of Service of Opinion and Order dated September 8, 2008. Receipt of same acknowledged September 8, 2008.

---

**September 9, 2008**

Defendant filed Acceptance of Service of Opinion and Order dated September 8, 2008. Receipt of same acknowledged September 8, 2008.

---

**September 10, 2008**

Defendant filed Acceptance of Service of Opinion and Order dated September 8, 2008. Receipt of same acknowledged September 9, 2008.

---

**September 10, 2008**

Board pre-trial conference held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101 commencing at 1:00 p.m.

---

**September 10, 2008**

Board rendered an Order. Order as follows: "**AND NOW**, this 10<sup>th</sup> day of September, 2008, pursuant to discussion at the pre-trial conference held at the Board's offices on September 10, 2008, it is **ORDERED** and **DECREED** as follows: 1. Plaintiff shall serve Defendant and file with the Board by no later than September 16, 2008, a revised pre-trial statement which will include a specific list of exhibits and a complete list of witnesses which Plaintiff intends to present at hearing; 2. Plaintiff shall serve Defendant and file with the Board by no later than September 16, 2008, a summary statement of Mr. DiRenzo's testimony regarding the ash content test reports for the coal supplied to DGS here at issue; 3. Defendant shall serve upon Plaintiff and file with the Board no later than October 6, 2008, a summary statement of any rebuttal testimony to Mr. DiRenzo regarding the ash content test reports referenced immediately above; and 4. Both parties shall proceed in good faith to develop mutual stipulations of fact and shall file same with the Board by no later than October 16, 2008." Copy forwarded to Plaintiff and Defendant.

---

**September 10, 2008**

Board added two additional days, October 15 and 16, 2008, to previously scheduled hearing date.

---

**September 11, 2008**

Defendant transmitted via facsimile Acceptance of Service of Order dated September 10, 2008. Receipt of same acknowledged September 10, 2008.

---

**September 12, 2008**

Plaintiff filed Acceptance of Service of Opinion and Order dated September 8, 2008. Receipt of same acknowledged September 10, 2008.

---

**September 15, 2008**

Defendant filed Acceptance of Service of Order dated September 10, 2008. Receipt of same acknowledged September 10, 2008.

---

**September 15, 2008**

Defendant filed Acceptance of Service of Order dated September 10, 2008. Receipt of same acknowledged September 12, 2008.

---

**September 17, 2008**

Plaintiff filed letter advising that this matter has been resolved in its entirety, therefore the hearing scheduled for October 14-16, 2008 will not be necessary.

---

**September 17, 2008**

Plaintiff filed praecipe to withdraw claim.

---

**September 18, 2008**

Board rendered an Order. Order as follows: "**AND NOW**, this 18<sup>th</sup> day of September, 2008, upon receipt of a Praecipe executed by Richard J. Wiest, Esquire, on behalf of Plaintiff, DiRenzo Coal Company, advising the Board that DiRenzo Coal Company hereby withdraws its claim filed thereby terminating this litigation in all respects, docketed with this Board under date of September 17, 2008, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

---

**September 22, 2008**

Defendant filed Acceptance of Service of Order dated September 18, 2008. Receipt of same acknowledged September 19, 2008.

---



**September 23, 2008**

Plaintiff filed Acceptance of Service of Order dated September 18, 2008. Receipt of same acknowledged September 22, 2008.

---