

Docket Number: 3799

KCI TECHNOLOGIES, INC.

Bruce J. Warshawsky, Esquire
Charles R. Diffenderffer, Esquire (Pro Hac Vice)

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Andrew Gordon, Chief Counsel~~
Stephen S. Stokwitz, Assistant Counsel

September 21, 2005

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$377,635.74

September 22, 2005

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

October 3, 2005

Attorney General filed Acknowledgment of Claim form dated September 22, 2005. Receipt of same acknowledged September 27, 2005.

October 24, 2005

Defendant filed letter advising that Plaintiff has agreed to extend the due date of Defendant's Answer until November 21, 2005.

October 25, 2005

Board issued letter to Defendant, with copy to Plaintiff granting extension of time for Defendant to file an Answer.

November 28, 2005

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

January 3, 2006

Plaintiff filed letter requesting an extension of time until January 23, 2006, to file response to New Matter. Copy forwarded to Defendant.

January 4, 2006

Board issued letter to Plaintiff, with copy to Defendant granting extension of time for Plaintiff to file Response to New Matter.

January 5, 2006

Plaintiff filed Motion for Special Admission Pro Hac Vice, Affidavit in Support and Proposed Order. Copy forwarded to Defendant.

January 11, 2006

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 11th day of January, 2006, after review of Plaintiff's Motion for Special Admission Pro Hac Vice of Charles R. Diffenderffer, it is hereby **ORDERED** that: 1) Effective upon the date of this Order, Charles R. Diffenderffer shall be **ADMITTED** pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301 for the limited purpose of serving as co-counsel on behalf of Plaintiff in this matter; 2) Charles R. Diffenderffer, Esquire shall abide by all the rules of, and applicable to, practice before this Board, including all attorney disciplinary rules; and 3) Charles R. Diffenderffer, Esquire shall immediately notify this Board of any matter affecting their standing at the bar of any other court or jurisdiction where they may be admitted to practice. All correspondence with this Board shall continue to be accomplished through the Pennsylvania attorney of record unless otherwise requested in writing by the party." Copy forwarded to Plaintiff and Defendant.

January 13, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated January 11, 2006. Receipt of same acknowledged January 12, 2006.

February 6, 2006

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

February 8, 2007

Board forwarded letter to parties requesting a status report.

March 9, 2007

Board forwarded second letter to parties requesting a status report.

April 18, 2007

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 18th day of April, 2007, a Rule to Show Cause is issued upon Plaintiff, KCI Technologies, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board, within 30 days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked closed, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

May 18, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated April 18, 2007. Receipt of same acknowledged April 30, 2007.

June 26, 2007

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 26th day of June, 2007, this Order is issued as a result of the failure of Plaintiff, KCI Technologies, Inc., to file with the Board of Claims, within 30 days from April 18, 2007, a response to the Rule to Show Cause advising whether or not Plaintiff wishes to pursue the above-captioned matter. Therefore, it is **DIRECTED** that the Rule of April 18, 2007, be made **ABSOLUTE** and this case marked closed and discontinued with prejudice." Copy forwarded to Plaintiff and Defendant.

July 9, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated June 26, 2007. Receipt of same acknowledged (unknown).
