

Docket Number: 3816

ALLAN A. MYERS, INC.

Raymond L. DeLuca, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Andrew S. Gordon, Chief Counsel
Jeffrey W. Davis, Assistant Counsel

CLOSED

December 22, 2005

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$10,258,973.00+

December 23, 2005

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

January 4, 2006

Chief Deputy Attorney General filed Acknowledgement Claim form dated December 23, 2005. Receipt of same December 29, 2005.

January 20, 2006

Defendant filed a letter requesting a thirty (30) day extension of time for filing an answer to Plaintiff's Complaint.

January 24, 2006

Board issued letter to Defendant, with copy to Plaintiff granting extension of thirty days for Defendant to file its Answer to Plaintiff's Complaint.

February 21, 2006

Defendant filed Answer with New Matter.

March 13, 2006

Plaintiff filed Answer to New Matter.

March 14, 2006

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

March 15, 2006

Plaintiff filed Notice of Service of Request for Production of Documents directed to Defendant.

October 13, 2006

Plaintiff filed Notice of Service for a Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.22.

October 31, 2006

Defendant filed Objections to Subpoena Pursuant to Rule 4009.21.

November 22, 2006

Plaintiff filed Motion to Strike Defendant's Objections to Serve a Subpoena to Produce Documents and Things for Discovery on Balfour Beatty Construction, Inc. Pursuant to Rule 4009.21 and Brief. [09122106D]

December 20, 2006

Defendant filed Brief in Opposition to Motion to Strike Defendant's Objections to Serve a Subpoena to Produce Documents and Things for Discovery on Balfour Beatty Construction, Inc. Pursuant to Rule 4009.21.

January 8, 2007

Plaintiff filed Notices of Service for the Response to First Set of Interrogatories and for the Response to First Request for the Production of Documents.

January 24, 2007

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 24th day of January, 2007, upon consideration of the Commonwealth of Pennsylvania, Department of Transportation's motion to strike the third party subpoena of Allan A. Myers, Inc. upon Balfour Beatty Construction, Inc. pursuant to Rule 4009.21, said motion is **DENIED** and the objections stated therein are **OVERRULED**. The subpoena may be served." Copy forwarded to Plaintiff and Defendant.

January 31, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated January 24, 2007. Receipt of same acknowledged January 29, 2007.

February 20, 2007

Plaintiff filed Notice of Service for the Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.22 directed to Balfour Beatty Construction, Inc.

March 11, 2008

Board forwarded letter to parties requesting status report.

March 31, 2008

Plaintiff filed status letter advising that parties have been discussing amicable resolution.

May 18, 2010

Plaintiff filed a fully executed Settlement Agreement and Release of Claims. Plaintiff request the Board mark the record of the case settled, discontinued and ended with prejudice.

May 24, 2010

Board rendered Order. Order as follows: "**AND NOW**, this 24th day of May, 2010, upon receipt of a Settlement Agreement and Release of Claims executed by Raymond L. DeLuca, Esquire, on behalf of Plaintiff, Allan A. Myers, Inc., and a letter requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of May 18, 2010, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

June 3, 2010

Plaintiff filed Acceptance of Service of Order dated May 24, 2010. Receipt of same acknowledged May 28, 2010.
