

Docket Number: 3827

MILLER'S FUEL SUPPLY

D. Reed Anderson, Esquire
Andrew C. Spears, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

Neal T. Brofee, Assistant Counsel

CLOSED

March 14, 2006

By Order of the Court of Common Pleas of York County, case filed, Order as follows: **AND NOW**, this 14th day of March, 2006, it is hereby **ORDERED** that the above captioned matter is transferred to the Board of Claims, pursuant to Pennsylvania Rule of Civil Procedure 1032(b) and Section 5103 of the Judicial Code, 42 Pa. C.S. 5103. The Prothonotary shall certify to the Board a photocopy of the docket entries of the above matter and transmit to it forthwith the record of the matter. Jurisdiction relinquished.

THE FOLLOWING FILED IN COURT OF COMMON PLEAS OF YORK COUNTY

December 27, 2005

Complaint in a Civil Action = amount demanded in excess of \$50,000.00.

January 31, 2006

Sheriff return of service complaint served upon Commonwealth of Pennsylvania, Department of Transportation on January 17, 2006 by Dauphin County Sheriff.

January 31, 2006

Sheriff return of service complaint served upon Office of Attorney General on January 17, 2006 by Dauphin County Sheriff.

January 31, 2006

Sheriff return of service Defts not found in York County.

February 3, 2006

Preliminary Objections with certificate of service filed by Defendant.

February 3, 2006

Brief of Department of Transportation in Support of Preliminary Objection to Plaintiff Complaint filed by Defendant.

February 3, 2006

Praecipe for Entry of Appearance of Neal T. Brofee, Esquire on behalf of Deft with certificate of Service filed by Defendant

March 16, 2006

Order approving stipulation/case shall be transferred to Board of Claims Pursuant to PA Rule of Civil Procedure 1032 (b) and section 5103 of the judicial code, 42 PA. C.S. 5103 by the court: John H Chronister Judge.

BEFORE THE BOARD OF CLAIMS

March 17, 2006

Court of Common Pleas of York County transferred record.

March 20, 2006

Board of Claims received file from Court of Common Pleas of York County. Amount of Claim: \$50,000.00+.

March 24, 2006

Board issued letter to Plaintiff requesting additional copies of Claim, proof of mailing and filing fee.

April 13, 2006

Plaintiff filed Claim, filing fee and proof of mailing. Amount of Claim: \$50,000.+.

April 17, 2006

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

April 24, 2006

Chief Deputy Attorney General filed Acknowledgement Form.

Receipt of same acknowledged by Chief Deputy Attorney General April 20, 2006.

May 5, 2006

Defendant filed Answer and New Matter.

May 26, 2006

Plaintiff filed Reply to Defendant's New Matter.

May 31, 2006

Board issued letter to parties directing them to commence with discovery.

May 31, 2007

Board issued letter to parties requesting a status report.

June 26, 2007

Defendant filed a Motion for Judgment on the Pleadings and Brief in Support. [05A080207]

July 31, 2007

Plaintiff transmitted by facsimile Response to Defendant's Motion for Judgment on the Pleadings and Brief in Opposition.

August 2, 2007

Plaintiff filed Response to Defendant's Motion for Judgment on the Pleadings and Brief in Opposition.

August 13, 2007

Defendant filed Reply Brief in Support of Department of Transportation's Motion for Judgment on the Pleadings.

August 20, 2007

Defendant filed Motion for Oral Argument on Defendant's Motion

for Judgment on the Pleadings.

August 22, 2007

Board issued Order. Order as follows: **"AND NOW**, this 22nd day of August, 2007, upon the motion of Defendant, Commonwealth of Pennsylvania, Department of Transportation, oral argument on the Defendant's motion for judgment on the pleadings will be held on Wednesday, September 12, 2007 at 10:30 AM in Courtroom #1 on the sixth floor, 200 North Third Street, Harrisburg, PA 17101." Copy forwarded to Plaintiff and Defendant.

August 27, 2007

Defendant filed Acceptance of Service of Order dated August 22, 2007. Receipt of same acknowledged on August 24, 2007.

September 14, 2007

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 14th day of September, 2007, it is hereby **ORDERED** and **DECREED** that Plaintiff is **GRANTED** 20 days leave to amend its pleadings to address the issues noted in this opinion." Copy forwarded to Plaintiff and Defendant.

October 3, 2007

Plaintiff transmitted letter requesting a 30 day extension of time to file its Amended Reply to New Matter due to the fact that the parties are engaged in extensive settlement negotiations. Defendant concurs.

October 4, 2007

Plaintiff filed letter requesting a 30 day extension of time to file its Amended Reply to New Matter due to the fact that the parties are engaged in extensive settlement negotiations. Defendant concurs.

October 4, 2007

Board issued letter to Plaintiff with copy to Defendant granting

a 30 day extension of time for Plaintiff to file its Amended Reply to New Matter. Copy forwarded to Defendant.

November 2, 2007

Plaintiff transmitted a letter via fax stating that the parties have reached an amicable resolution and the parties are exchanging the Settlement Agreement and Release and attempting to obtain the necessary signatures. The parties are requesting that the Board stay this matter until all signatures are obtained.

November 5, 2007

Plaintiff filed a letter stating that the parties have reached an amicable resolution and the parties are exchanging the Settlement Agreement and Release and attempting to obtain the necessary signatures. The parties are requesting that the Board stay this matter until all signatures are obtained.

November 7, 2007

Board issued Order. Order as follows: "**AND NOW**, this 7th day of November, 2007, the parties having agreed to stay this matter, it is hereby **ORDERED** and **DECREED** that these proceedings are hereby **STAYED** until further notice." Copy forwarded to Plaintiff and Defendant.

November 9, 2007

Defendant filed Acceptance of Service of Opinion and Order dated November 7, 2007. Receipt of same acknowledged on November 8, 2007.

February 22, 2008

Board forwarded letter to parties requesting status report.

February 29, 2008

Plaintiff transmitted via fax Praecipe to Remove.

March 3, 2008

Plaintiff filed Praecipe to Remove.

March 4, 2008

Board issued Order. Order as follows: **"AND NOW**, this 4th day of March, 2008, upon receipt of a Praecipe to Remove, executed by Andrew C. Spears, Esquire, on behalf of Plaintiff, Miller's Fuel Supply, requesting the Board to please mark the above-captioned action settled and satisfied docketed with this Board under date of March 3, 2008, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff & Defendant.
