

Docket Number: 3840

T & T DRYWALL, INC.

Peter C. Layman, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR & INDUSTRY,  
STATE WORKERS' INSURANCE FUND

~~Roger H. Caffery, Chief Counsel~~  
~~James D. Jordan, Assistant Counsel~~

**July 5, 2006**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: UNKNOWN.

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**July 6, 2006**

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

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**July 12, 2006**

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged July 6, 2006.

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**July 17, 2006**

Defendant filed Entry of Appearance of James D. Jordan, Assistant Counsel on behalf of the Defendant.

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**July 21, 2006**

Defendant transmitted letter requesting an extension of time to file Answer to Complaint until August 31, 2006.

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**July 24, 2006**

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

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**August 16, 2006**

Defendant filed an Answer with New Matter and Counterclaim.

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**August 17, 2006**

Board forwarded letter to Plaintiff requesting response to New Matter and Counterclaim.

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**October 4, 2006**

Plaintiff filed letter advising that parties are discussing settlement and requests an extension of time to file Reply to New Matter and Counterclaim until October 31, 2006.

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**October 5, 2006**

Board issued letter to Plaintiff granting extension of time until October 31, 2006, in which to file Reply to New Matter and Counterclaim.

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**November 1, 2006**

Plaintiff filed Reply to New Matter and Answer to Counterclaim.

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**November 2, 2006**

Board forwarded letter to parties directing parties to commence with discovery.

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**November 13, 2006**

Defendant filed Certificate of Service of Notice of Intent to Serve Subpoena to Produce Documents and Other Things for Discover Pursuant Rule 4009.21.

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**December 4, 2006**

Defendant filed Certificate Prerequisite to Service of a Subpoena to Produce Documents and Other Things Pursuant to Rule 4009.22.

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**January 26, 2007**

Defendant filed Certificate of Service of a request for production of documents.

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**July 5, 2007**

Defendant filed Motion to Compel Production of Documents and Proposed Order.

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**July 6, 2007**

Board issued letter to Plaintiff directing a response to Defendant's Motion to Compel Production of Documents.

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**July 12, 2007**

Defendant filed letter advising that it withdraws the motion dated July 5, 2007, on grounds that the request is moot.

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**July 30, 2007**

Defendant filed Motion to Amend Defendant's New Matter and Counterclaim as well as Proposed Order.

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**August 1, 2007**

Board rendered Order. Order as follows: "**AND NOW**, this 1<sup>st</sup> day of August, 2007, upon consideration of the Defendant's motion to amend its new matter and counterclaim, and it appearing that the Plaintiff does not object to the proposed amendments, it is hereby **ORDERED** and **DECREED** that the motion is **GRANTED** as follows:(1) The Defendant shall file the amended pleading, a copy of which is attached to its motion and marked Exhibit B, within 30 days of the date of this Order and(2)The Plaintiff shall file a reply to the amended pleading within 30 days of the Defendant's filing." Copy forwarded to Plaintiff and Defendant.

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**August 9, 2007**

Defendant filed Certificate of Service of Requests for Admission.

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**August 16, 2007**

Defendant filed Answer with Amended New Matter and Amended Counterclaim.

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**August 17, 2007**

Board issued letter to Plaintiff directing them to file a response to Defendant's Amended New Matter and Amended Counterclaim.

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**September 7, 2007**

Plaintiff filed Claimant's Response to Respondent's Requests for Admission.

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**September 21, 2007**

Plaintiff filed Reply to Amended New Matter and Answer to Amended Counterclaim.

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**September 24, 2007**

Board forwarded letter to parties directing parties to commence with discovery.

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**October 5, 2007**

Defendant filed Motion to Determine Sufficiency of Responses and Brief.

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**October 9, 2007**

Board forwarded letter to Plaintiff requesting Response to Defendant's Motion to Determine Sufficiency of Responses.

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**November 15, 2007**

Plaintiff filed Response with New Matter to Defendant's Motion to Determine Sufficiency of Responses.

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**November 16, 2007**

Board forwarded letter to Plaintiff granting an extension of time until December 5, 2007 to amend its response to Respondent's requests for admission.

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**December 3, 2007**

Board issued letter to Plaintiff advising that discovery material is not to be filed with the Board of Claims.

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**August 4, 2008**

Plaintiff filed letter advising that both parties concur that this matter be listed for hearing.

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**August 7, 2008**

Board issued letter to parties requesting scheduling order.

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**September 15, 2008**

Defendant transmitted letter via fax relative to the deadlines set forth in the Board's scheduling schematic to reach a hearing on the parties' respective claims. Defendant advises that the deadline for filing pretrial motions be set in the last week of September or the first week of October, 2008.

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**September 18, 2008**

Board issued letter to parties stating that since there was no response from Plaintiff regarding a proposed scheduling order, the Board will not schedule a hearing at this time.

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**October 29, 2008**

Defendant transmitted letter via fax advising that a stipulation on documents and facts proffered to Plaintiff has been reached.

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**October 31, 2008**

Defendant filed letter via U.S. mail advising that a stipulation on documents and facts proffered to Plaintiff has been reached.

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**November 6, 2008**

Plaintiff filed letter advising that the Stipulations narrow the issues which allow for presentation of evidence. Plaintiff request a scheduling order be issued and a date be set for pretrial statements and hearing.

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**November 13, 2008**

Board issued an Order. Order as follows: **AND NOW**, this 13<sup>th</sup> day of November, 2008, upon the representation of both parties' counsel that discovery in the above-captioned matter is complete, that no expert witnesses will be offered, that stipulations as to facts and documents have been reached, thereby narrowing the issues to be presented at trial, and that the parties do not anticipate filing any pretrial motions, it is hereby **ORDERED** and **DECREED** as follows:

1. Pretrial statements of both parties shall be filed with the Board and served upon one another no later than December 10, 2008;
2. A. pre-trial conference is scheduled for Tuesday, December 16, 2008 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7<sup>th</sup> Floor, Harrisburg, PA 17101;
3. This

matter is set for hearing beginning on Tuesday, January 27, 2009 and running through Wednesday, January 28, 2009, or as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m. Copy forwarded to Plaintiff and Defendant.

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**November 13, 2008**

Board issued letter to Panel Members advising of hearing dates and that upon completion of pre-trial conference the Board will forward the file and current docket entries for review in preparation for the trial.

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**November 21, 2008**

Plaintiff filed Acceptance of Service of Scheduling Order dated November 13, 2008. Receipt of same acknowledged by Plaintiff November 17, 2008.

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**November 21, 2008**

Defendant filed Acceptance of Service of Scheduling Order dated November 13, 2008. Receipt of same acknowledged by Defendant November 18, 2008.

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**December 8, 2008**

Defendant filed Pre-Trial Statement of State Workers' Insurance Fund.

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**December 8, 2008**

Plaintiff filed Claimant's Pre-Trial Statement.

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**December 16, 2008**

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

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**December 16, 2008**

Board forwarded letter, file and current docket entries to Panel Members.

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**January 16, 2009**

Defendant transmitted via fax/notification advising that the parties have resolved their disputes so that the hearing need not be conducted.

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**January 16, 2009**

Plaintiff transmitted letter via fax confirming that the matter has been settled and the hearing scheduled for January 27 and 28, 2009, can be cancelled.

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**January 16, 2009**

Board forwarded letter to Plaintiff and Defendant cancelling Panel Hearing which was scheduled for January 27 and 28, 2009, per Plaintiff's letter.

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**January 16, 2009**

Board forwarded letter to Panel Members cancelling the hearing.

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**January 20, 2009**

Plaintiff filed letter via U.S. Mail confirming that the matter has settled and the hearing scheduled for January 27 and 28, 2009, can be cancelled.

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**May 11, 2009**

Plaintiff filed Praecipe for Discontinuance and Satisfaction.

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**May 14, 2009**

Board issued letter to parties advising that Defendant filed a Counterclaim against Plaintiff and whether Defendant intended to dismiss its counterclaim.

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**May 20, 2009**

Defendant transmitted letter via facsimile advising that Plaintiff's Counterclaim is ended, settled and discontinued.

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**June 4, 2009**

Board issued an Order. Order as follows: **AND NOW**, this 4th day of June, 2009, upon receipt of a Praecipe executed by Peter C. Layman, Esquire, on behalf of Plaintiff, T & T Drywall, Inc., requesting that the Board mark the above-captioned matter settled, discontinued and ended with prejudice and costs paid, docketed with this Board under date of May 11, 2009, and Defendant's letter transmitted via facsimile advising that its Counterclaim is ended, settled and discontinued, it is hereby **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice. Copy forwarded to Plaintiff and Defendant.

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**June 19, 2009**

Plaintiff filed Acceptance of Service of Order dated June 4, 2009. Receipt of same acknowledged by Plaintiff June 8, 2009.