

Docket Number: 3846

LOWER ALLEN TOWNSHIP

Steven P. Miner, Esquire
Daley, Zucker, Meilton, Miner & Gingrich, LLC

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~Trent Hargrove, Chief Counsel~~
David L. Narkiewicz, Esquire
Susan A. Sivulich, Esquire

CLOSED

August 4, 2006

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$113,611.84+.

August 7, 2006

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

August 14, 2006

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General August 10, 2006.

September 1, 2006

Defendant filed Answer and New Matter. Copy to Plaintiff.

September 6, 2006

Board issued letter to Plaintiff directing it to file a response to Defendant's New Matter. With copy to Defendant.

September 13, 2006

Plaintiff filed Reply to Answer and New Matter of Defendant.

September 15, 2006

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

September 18, 2006

Plaintiff filed Amended Reply to Answer and New Matter of Defendant.

October 20, 2006

Plaintiff filed, Motion for Summary Judgment, Brief in Support and Proposed Order.

October 23, 2006

Board forwarded letter to Defendant requesting response and brief.

November 20, 2006

Defendant filed Department of General Services' Response in Opposition to Plaintiff's Motion for Summary Judgment.

November 20, 2006

Defendant filed Department of General Services' Cross-Motion for Summary Judgment, Brief in Support and Proposed Order. [08A121206]

December 11, 2006

Plaintiff filed Lower Allen Township's Response in Opposition to Defendant's Cross Motion for Summary Judgment, Brief in Opposition and Proposed Order.

December 13, 2006

Plaintiff filed Praecipe to Withdraw the Appearance of Steven P. Miner, Esquire, and Metzger, Wickersham, Knauss & Erb, P.C. on behalf of the above-captioned plaintiff in this matter.

December 13, 2006

Plaintiff filed Praecipe to Enter the Appearance of Steven P. Miner, Esquire, and Daley, Zucker, Meilton, Miner & Gingrich, LLC, on behalf of the above-captioned plaintiff in this matter effective January 1, 2007.

February 21, 2007

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 21st day of February, 2007, it is hereby **ORDERED** that Plaintiff's motion for summary judgment and Defendant's motion for summary judgment are **DENIED**.

February 27, 2007

Defendant filed Acceptance of Service of Opinion and Order dated February 21, 2007. Receipt of same acknowledged by Defendant February 23, 2007.

February 28, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated February 21, 2007. Receipt of same acknowledged by Plaintiff February 27, 2007.

April 13, 2007

Board issued letter to parties directing them to confirm their attendance at a conference in this matter on April 24, 2007.

April 24, 2007

Board Status conference held at 200 North Third Street, Harrisburg, PA, commencing at 1:00 p.m.

July 26, 2007

Plaintiff filed Stipulation of Facts executed by Plaintiff and Defendant.

August 31, 2007

Plaintiff filed Second Motion for Summary Judgment and Brief in Support. 10A100207D].

September 5, 2007

Board issued letter to Defendant directing a response to Plaintiff's Second Motion for Summary Judgment.

September 28, 2007

Defendant filed Proposed Order, Second Cross-Motion for Summary Judgment and Brief in Support.

September 28, 2007

Defendant filed Response in Opposition to Plaintiff's Second Motion and Brief in Support

October 2, 2007

Board issued letter to Plaintiff directing them to file a response to Defendant's Second Cross-Motion for Summary Judgment.

October 16, 2007

Board issued letter to parties relative to Motions for Summary Judgment.

October 18, 2007

Plaintiff filed Answer to Defendant's Second Cross-Motion for Summary Judgment and Brief in Opposition.

October 29, 2007

Plaintiff filed letter requesting an extension of time of an additional 15 days to provide the requested materials, and an additional 15 days to complete the Joint Stipulation with the Defendant.

October 31, 2007

Board forwarded letter to Plaintiff granting extension of time of an additional 15 days to provide the requested materials, and an additional 15 days to complete the Joint Stipulation with the Defendant.

November 8, 2007

Defendant filed Documentation Submission in Support of DGS' Second Cross-Motion for Summary Judgment.

November 9, 2007

Plaintiff filed letter advising that the Building Codes requested by the Board are copywrited materials and would be made available to the Board. Plaintiff requests that this material be returned to the Township after litigation has ended.

November 15, 2007

Board issued letter to Plaintiff regarding the relevant building codes.

November 21, 2007

Plaintiff filed letter with documents as requested in the Board's October 16, 2007, letter concerning the Motion for Summary Judgment.

December 17, 2007

Plaintiff filed a supplemental Documentation Submission in support of its Second Cross-Motion for Summary Judgment.

December 17, 2007

Plaintiff filed a Supplemental Documentation Submission in support of Lower Allen Township's Second Cross-Motion for Summary Judgment; an Amendment to the original documentation submission in support of Lower Allen Township's Second Cross-Motion for Summary Judgment noting that the records include statutes, ordinances, and building codes that are currently in effect; and a Stipulation of Parties to the completeness and accuracy of the documents submitted.

December 21, 2007

Board rendered the following Opinion and Order: **"AND NOW, this 21st day of December, 2007, it is hereby ORDERED that Plaintiff, Lower Allen Township's Second Motion for Summary Judgment is DENIED. The Second Cross Motion for Summary Judgment of Defendant, Commonwealth of Pennsylvania, Department of General Services, is GRANTED."**

December 26, 2007

Defendant filed Acceptance of Service of Opinion and Order dated December 21, 2007. Receipt of same acknowledged by Defendant December 24, 2007.

December 28, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated December 21, 2007. Receipt of same acknowledged by Plaintiff December 26, 2007.

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