

Docket Number: 3848

NDK GENERAL CONTRACTORS, INC.

Kevin J. McKeon, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES, and  
BUREAU OF CONSTRUCTION

Trent Hargrove, Chief Counsel  
Tanya C. Meshko, Esquire  
David L. [REDACTED]

CLOSED

**August 11, 2006**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$1,530,191.23+

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**August 14, 2006**

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

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**August 21, 2006**

Chief Deputy Attorney General filed Acceptance of Service. Receipt of same acknowledged by Chief Deputy Attorney General August 17, 2006.

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**September 8, 2006**

Defendant filed Answer and New Matter.

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**September 11, 2006**

Board issued letter to Plaintiff directing a response to Defendant's New Matter.

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**September 26, 2006**

Plaintiff filed Response to Defendant's New Matter.

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**September 26, 2006**

Board issued letter to parties to proceed with discovery.

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**November 6, 2007**

Board issued letter to parties requesting a status report.

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**December 3, 2007**

Defendant filed Motion for a Judgment of Non Pros and Brief in Support, and Proposed Order.

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**January 2, 2008**

Plaintiff filed Response to Defendant's Motion for Judgment of Non Pros.

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**January 4, 2008**

Board rendered the following Order: "On December 3, 2007, Defendant, Commonwealth of Pennsylvania, Department of General Services ("DGS") filed with the Board a Motion for Judgment of Non Pros along with a brief in support thereof. On January 2, 2008, Plaintiff, NDK General Contractors, Inc., ("NDK") filed a response by which it indicated the reason for said delay was financial in nature and requested the Board grant it 60 days in which to develop a plan to prosecute its case against DGS. NDK did not, in its response, address the merits of DGS' motion for non pros nor provide a brief in opposition to the grant of said motion. In light of the foregoing, the Board will grant NDK an extension of 60 days from the date of this order in which to advise the Board if it intends to prosecute this case and submit a plan therefore as indicated. If NDK does then indicate its intent to prosecute said case, it shall also, at that time, respond fully to DGS' motion on the merits and brief same as required by the BOC R. P. 301(b)." Copy forwarded to Plaintiff and Defendant.

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**January 8, 2008**

Defendant filed Acceptance of Service of Order dated January 4, 2008. Receipt of same acknowledged on January 7, 2008.

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**January 14, 2008**

Plaintiff filed Acceptance of Service of Order dated January 4, 2008. Receipt of same acknowledged by Plaintiff January 9, 2008.

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**March 4, 2008**

Plaintiff filed Praecipe to Settle and Discontinue.

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**March 7, 2008**

Board rendered the following Order. Order as follows: **AND NOW**, this 7th day of March, 2008, upon receipt of a Praecipe executed by Kevin J. McKeon, Esquire, on behalf of Plaintiff, NDK General Contractors, Inc., requesting that the Board mark the above-referenced action settled and discontinued with prejudice docketed with this Board under date of March 4, 2008, it is **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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**March 12, 2008**

Defendant filed Acceptance of Service of Order dated March 7, 2008. Receipt of same acknowledged by Defendant March 11, 2008.

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**March 17, 2008**

Plaintiff filed Acceptance of Service of Order dated March 7, 2008. Receipt of same acknowledged by Plaintiff March 13, 2008.