

Docket Number: 3849

LEER ELECTRIC, INC.

Timothy J. Woolford, Esquire
Kenneth J. McDermott, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Trent Hargrove, Chief Counsel~~
~~Susan Ann Sivulka, Assistant Counsel~~
~~David Narkiewicz, Assistant Counsel~~
Harry R. Walter, III, Assistant Counsel

August 18, 2006

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$911,228.11

August 23, 2006

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

August 31, 2006

Chief Deputy Attorney General filed an Acceptance of Service of Claim dated August 23, 2006. Receipt of same acknowledged August 29, 2006.

September 18, 2006

Defendant filed an Answer and New Matter.

September 19, 2006

Letter forwarded to Plaintiff directing a response to Defendant's New Matter.

May 17, 2007

Board issued status letter to parties.

June 18, 2007

Defendant filed status letter stating the case is currently in discovery. They also state that neither party has actually conducted discovery and that Plaintiff has done nothing to move its case forward.

June 19, 2007

Plaintiff transmitted status letter via fax advising wherein it concurs with Defendant that discovery is ongoing.

June 19, 2007

Plaintiff filed status letter via U.S. mail advising wherein it concurs with Defendant that discovery is ongoing.

December 10, 2007

Defendant filed Withdrawal of Appearance of Susan Sivulich, and Entry of Appearance of David Narkiewicz.

March 11, 2008

Plaintiff filed Notice of Service of First Request for Production of Documents Addressed to Respondent.

March 11, 2008

Plaintiff filed Notice of Service of First Set of Interrogatories Addressed to Respondent.

March 17, 2008

Defendant filed Notice of Service of Respondent's Answers to Interrogatories and Responses to Claimant's Request for Production of Documents.

May 5, 2010

Defendant filed letter advising that there has been no activity in the case for more than two years and this case is ripe for dismissal.

May 19, 2010

Board forwarded (4009.21 - to produce documents) subpoena(s) dated May 19, 2010 to Plaintiff.

May 21, 2010

Plaintiff filed Statement of Intention to Proceed.

May 21, 2010

Plaintiff filed Response in Opposition to Request for Notice of Proposed Termination of Case for Lack of Activity.

May 25, 2010

Board issued letter to parties requesting a proposed scheduling order.

June 9, 2010

Defendant filed joint proposed scheduling order.

June 16, 2010

Board issued Order. Order as follows: **AND NOW, AND NOW**, this 16th day of June 2010, it is hereby **ORDERED** and **DECREED** as follows: 1.The last day for plaintiff's expert report, if any, to be provided to defendant is November 22, 2010;¹2. The last day for defendant's expert report, if any, to be provided to plaintiff is December 20, 2010;¹ 3.All discovery, including exchange of expert rebuttal reports, shall be completed by January 18, 2011;² 4.The last day for filing pre-trial motions is February 14, 2011;²5.Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 23, 2011 (please note BOC R.P. 501(b) and (c)(3));6.A pre-trial conference is scheduled for Wednesday, March 30, 2011 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7.This matter is set for hearing beginning on Monday, May 9, 2011 and running through Friday, May 13, 2011, or as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th 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. Copies forwarded to Plaintiff and Defendant.

June 22, 2010

Defendant filed Notice of Service of First Set of Interrogatories Addressed to Claimant and First Set of Requests for Production of Documents Addressed to Claimant.

June 22, 2010

Plaintiff filed Acceptance of Service of Order dated June 16, 2010.
Receipt of same acknowledged June 21, 2010.

June 25, 2010

Defendant filed Acceptance of Service of Order dated June 16, 2010.
Receipt of same acknowledged June 23, 2010.

September 9, 2010

Defendant filed Notice of Service of Second Set of Interrogatories
Addressed to Claimant.

September 30, 2010

Defendant filed Notice of Service of Deposition of Brian Hall,
Barry Shenk and Steve Leer served upon Plaintiff.

October 8, 2010

Defendant) requested 234.1 - to attend with duces tecum **and** 4009.21
- to produce documents subpoenas.

October 8, 2010

Board forwarded 234.1 - to attend with duces tecum **and** 4009.21 - to
produce documents subpoenas dated October 8, 2010 to Defendant.

December 23, 2010

Defendant filed a letter advising that the parties have agreed to
settle this case and request that the case be stayed indefinitely
pending the final execution of a settlement agreement.

December 27, 2010

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 27th day of December, 2010, pursuant to Defendant's correspondence dated December 23, 2010 requesting a stay of proceedings, and Defendant's representation that counsel for Plaintiff has consented to same, the case at Docket No. 3849 is hereby **STAYED** until further notice." Copy forwarded to Plaintiff and Defendant.

January 3, 2011

Defendant filed Acceptance of Service of Order dated December 27, 2010. Receipt of same acknowledged December 29, 2010.

January 5, 2011

Plaintiff filed Acceptance of Service of Opinion and Order dated December 27, 2010. Receipt of same acknowledged December 28, 2010.

March 16, 2011

Board issued letter to parties advising of its removal from the hearing and pre-hearing conference schedule. A praecipe to discontinue this case when settlement is consummated should be filed with the Board.

May 16, 2011

Plaintiff filed Praecipe to mark settled, discontinued and ended.

May 18, 2011

Board issued Order. Order as follows: "**AND NOW**, this 18th day of May, 2011, upon receipt of a Praecipe executed by Ciara C. Young, Esquire, on behalf of Plaintiff, Leer Electric, Inc. requesting that the Board mark the above-captioned docket settled, discontinued and ended, docketed with this Board under date of May 16, 2011, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

May 20, 2011

Defendant filed Acceptance of Service of Order dated May 18, 2011.
Receipt of same acknowledged May 19, 2011.

May 23, 2011

Plaintiff filed Acceptance of Service of Order dated May 18, 2011.
Receipt of same acknowledged May 19, 2011.
