

Docket Number: 3871

JAMES D. SMITH d/b/a
J.D. SMITH TREE & LANDSCAPE SERVICE

Charles E. Shoemaker, Jr., Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~
~~Patrick Oliver Kerwin, Assistant Counsel~~
~~Jeffrey M. Spoth, Assistant Counsel~~

January 24, 2007

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$17,748.00

January 25, 2007

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

February 2, 2007

Attorney General filed Acknowledgement of Claim dated January 25, 2007. Receipt of same acknowledged on January 30, 2007.

February 22, 2007

Defendant filed Answer and New Matter.

February 23, 2007

Board forwarded letter to Plaintiff requesting response to Answer and New Matter. Copy forwarded to Defendant.

March 15, 2007

Plaintiff filed Reply to New Matter. Copy forwarded to Defendant.

March 16, 2007

Board forwarded letter to parties directing them to proceed with discovery.

December 20, 2007

Defendant filed Entry of Appearance of Jeffrey M. Spotts, Assistant Counsel in substitution for P. Oliver Kerwin, Assistant Counsel.

February 7, 2008

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

February 14, 2008

Defendant filed Notice of Service of Respondent's First Set of Interrogatories and Request for Production of Documents.

March 24, 2008

Plaintiff filed Notice of Service of Claimant's Response to Respondent's First Set Of Interrogatories and Request for Production of Documents.

May 22, 2008

Defendant requested 234.1 - to attend with duces tecum subpoenas.

May 22, 2008

Board forwarded 234.1 - to attend with duces tecum subpoenas dated May 22, 2008 to Defendant.

June 12, 2008

Defendant filed Notice of Service of Respondent's Notice of Deposition and Subpoena for James D. Smith and Zachary D. Smith.

July 29, 2008

Defendant filed Joint Stipulation to Amend the Pleadings, Amended Answer, New Matter and Counterclaim.

August 19, 2008

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

August 20, 2008

Board forwarded letter to Defendant requesting response to New Matter to Counterclaim.

September 8, 2008

Defendant filed Reply to Claimant's New Matter to Counterclaim.

September 8, 2008

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

January 20, 2009

Plaintiff and Defendant filed a Joint Praecipe to Discontinue with Prejudice.

January 22, 2009

Board issued Order. Order as follows: **"AND NOW**, this 22nd day of January, 2009, upon receipt of a Joint Praecipe executed by Charles E. Shoemaker, Jr., Esquire, on behalf of Plaintiff, James D. Smith d/b/a J.D. Smith Tree & Landscape Service and Jeffrey M. Spotts, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation, requesting that the Board mark the above-captioned matter settled and ended, docketed with this Board under date of January 20, 2009, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

January 27, 2009

Defendant filed Acceptance of Service of Order dated January 22, 2009. Receipt of same acknowledged on January 23, 2009.

January 29, 2009

Plaintiff filed Acceptance of Service of Order dated January 22, 2009. Receipt of same acknowledged on January 23, 2009.
