

CONSOLIDATED CASE DOCKET NO: 3876

(CASES CONSOLIDATED - DOCKET NOS. 3876, 3880, 3930)

REGINELLA CONSTRUCTION COMPANY, INC.

~~Joseph E. Linehan, Esquire~~
~~Chad I. Michaelson, Esquire~~
~~Thomas Reginella, Pro Se~~
~~Michael E. Flaherty, Esquire~~

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES

~~Trent Hargrove, Chief Counsel~~
David L. Narkiewicz, Assistant Chief Counsel
Harry R. Walter, III, Assistant Counsel

February 5, 2007

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$121,667.29+.

February 8, 2007

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

February 16, 2007

Chief Deputy Attorney General filed an Acceptance of Service of Claim. Receipt of same acknowledged Chief Deputy Attorney General February 13, 2007.

March 8, 2007

Defendant filed Preliminary Objections and Memorandum of law in support of its Preliminary Objections to Amendment to Plaintiff's Statement of Claim.

April 9, 2007

Plaintiff filed Preliminary Objections and Brief to Defendant's Preliminary Objections and Brief in Support.

April 11, 2007

Board forwarded letter to Defendant requesting response and brief.

June 5, 2007

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 5th day of June, 2007, the preliminary objections of the Commonwealth of Pennsylvania, Department of General Services to Plaintiff's claim are **OVERRULED**. Plaintiff's preliminary objections to Defendant's preliminary objections are **DENIED** as moot. Defendant shall have twenty days from the exit date of this Order to file a responsive pleading." Copy forwarded to all parties of record.

June 6, 2007

Defendant filed Acceptance of Service of Opinion and Order dated June 5, 2007. Receipt of same acknowledged by attorney for Defendant June 6, 2007.

June 11, 2007

Plaintiff filed Acceptance of Service of Opinion and Order dated June 5, 2007. Receipt of same acknowledged by Plaintiff June 7, 2007.

July 6, 2007

Defendant filed Answer and New Matter to Statement of Claim.

July 10, 2007

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

August 16, 2007

Plaintiff filed Reply to New Matter.

August 16, 2007

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

November 28, 2007

Plaintiff filed Notice of Service of Claimant's First Set of Interrogatories and Requests for Production of Documents Directed to Respondent.

July 7, 2008

Defendant filed Notice of Service of Answers to Interrogatories and Responses to Request for Production of Documents.

June 5, 2009

Plaintiff filed Praecipe for Withdrawal of Appearance of Joseph E. Linehan, Chad I. Michaelson and Meyer, Unkovic & Scott, LLP. as counsel.

June 8, 2009

Board forwarded letter to counsel for Plaintiff requesting contact information.

August 11, 2009

Board forwarded second letter to counsel for Plaintiff requesting contact information.

September 9, 2009

Board rendered Order. Order as follows: **"AND NOW**, this 9th day of September, 2009, upon consideration of Movant's Praecipe for Withdrawal of Appearance as Counsel for Plaintiff in the above-captioned matter, the withdrawal is hereby **GRANTED**. Joseph E. Linehan, Esquire, and Chad I. Michaelson, Esquire and the law firm of Meyer, Unkovic & Scott, LLP, are hereby granted leave to withdraw as counsel for Reginella Construction Company, Inc. Reginella Construction Company, Inc. shall notify the Board of substitute counsel or confirm to the Board the name and address of a contact person at Reginella within in 10 days of the exit date of this Order." Copy forwarded to all parties of record.

September 11, 2009

Defendant filed Acceptance of Order dated September 9, 2009. Receipt of same acknowledged on September 10, 2009.

September 18, 2009

Joseph E. Linehan filed Acceptance of Order dated September 9, 2009. Receipt of same acknowledged on September 15, 2009.

March 8, 2010

Defendant filed Praecipe to Enter Appearance of Harry R. Walter, III, Assistant Counsel.

March 8, 2010

Defendant filed Respondent's Petition for Rule to Show Cause, Brief in Support and Proposed Order.

March 18, 2010

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 18th day of March, 2010, upon consideration of the petition of the Pennsylvania Department of General Services, it is hereby ordered that: (1) A rule is issued upon Reginella Construction Co., Inc. to show cause why the Department of General Services is not entitled to the relief requested; (2) Plaintiff, Reginella Construction Co. shall file an answer to the petition within thirty days of service upon the plaintiff; (3) The petition shall be decided under Pa.R.C.P. No. 206.7; (4) Depositions (if any) shall be completed within 90 days of the date of this order; (5) Argument shall be held on July 21, 2010, at 1:00 p.m. in Courtroom No. 1 of the Board of Claims, 200 North Third Street, 6th floor, Harrisburg, PA 17101; and (6) Notice of the entry of this order shall be provided to all parties by the petitioner, Department of General Services." Copy forwarded to Plaintiff and Defendant.

March 23, 2010

Defendant filed Acceptance of Service of Opinion and Order dated March 18, 2010. Receipt of same acknowledged on March 19, 2010.

April 16, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated March 18, 2010. Receipt of same acknowledged on March 22, 2010.

April 16, 2010

Plaintiff filed Praecipe for Appearance of Michael E. Flaherty, Esquire.

April 16, 2010

Plaintiff filed Answer to Petition for Rule to Show Cause.

May 27, 2010

Board forwarded letter to the parties scheduling a Status Conference Call for Thursday, June 3, 2010 at 1:00 PM.

June 3, 2010

A status conference call was held on June 3, 2010 at 1:00 PM.

June 4, 2010

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 4th day of June, 2010, upon mutual consent of the parties pertaining to resolution of the Rule to Show Cause issued on March 18, 2010, it is hereby **ORDERED** that no interest shall accrue on Reginella's claim in this matter during the period of June 5, 2009 until April 16, 2010 with respect to any monetary award made in this case. The Argument scheduled for July 21, 2010 in this matter is hereby cancelled." Copy forwarded to Plaintiff and Defendant.

June 8, 2010

Defendant filed Acceptance of Service of Opinion and Order dated June 4, 2010. Receipt of same acknowledged by attorney for Defendant June 7, 2010.

June 21, 2010

Defendant and Plaintiff filed a joint proposed scheduling order.

June 24, 2010

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 24th day of June, 2010, it is **ORDERED** that Dockets No. 3876, 3880 and 3930 are hereby consolidated for all purposes into Docket No. 3876 for further proceedings." Copy forwarded to Plaintiff and Defendant.

June 25, 2010

Board rendered Scheduling Order. Order as follows: **"AND NOW**, this 25th 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 December 10, 2010;¹ 2. The last day for defendant's expert report, if any, to be provided to plaintiff is January 11, 2011;¹ 3. All discovery, including exchange of expert rebuttal reports, shall be completed by February 18, 2011;² 4. The last day for filing pre-trial motions is March 7, 2011;² 5. Pre-trial statements of both parties shall be filed with the oard and served upon one another no later than April 11, 2011 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Tuesday, April 26, 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, June 6, 2011 and running through Friday, June 10, 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." Copy forwarded to Plaintiff and Defendant.

June 28, 2010

Defendant filed Acceptance of Service of Scheduling Order dated June 25, 2010. Receipt of same acknowledged on June 28, 2010.

June 28, 2010

Defendant filed Acceptance of Service of Opinion and Order dated June 24, 2010. Receipt of same acknowledged on June 28, 2010.

July 6, 2010

Plaintiff filed Acceptance of Service of Scheduling Order dated June 25, 2010. Receipt of same acknowledged on June 30, 2010.

July 6, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated June 24, 2010. Receipt of same acknowledged on June 30, 2010.

July 9, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated June 4, 2010. Receipt of same acknowledged on June 10, 2010.

July 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.

September 17, 2010

Defendant filed Motion to Compel Responses to Discovery.

September 17, 2010

Board forwarded letter to Plaintiff requesting response to Defendant's Motion to Compel Responses to Discovery.

October 28, 2010

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 28th day of October, 2010, it is **ORDERED** and **DECREED** that Defendant's Motion to Compel is **GRANTED**. Plaintiff is directed to respond to Defendant's First Set of Interrogatories and First Set of Requests for Production of Documents within 30 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

November 2, 2010

Defendant filed Acceptance of Service of Opinion and Order dated October 28, 2010. Receipt of same acknowledged on October 29, 2010.

November 8, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated October 28, 2010. Receipt of same acknowledged on November 4, 2010.

December 1, 2010

Defendant filed Motion for Sanctions and Brief in Support.

December 1, 2010

Board forwarded letter to Plaintiff requesting response to Defendant's Motion Sanctions.

December 1, 2010

Defendant filed a Praecipe to Attach Exhibit to the Motion for Sanctions and a Praecipe to Attach Exhibit to the Brief in Support of Motion for Sanctions.

December 2, 2010

Board forwarded letter to the parties advising that the Board considers the Exhibits attached.

December 23, 2010

Defendant filed letter stating that both parties have agreed to settle and requesting that the case be stayed until the execution of a settlement agreement. Plaintiff's counsel has consented to this request.

December 27, 2010

Board rendered an 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. 3876 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 on December 29, 2010.

March 16, 2011

Board forwarded letter to parties removing case from its hearing and pre-hearing conference schedule.

June 23, 2011

Plaintiff filed Praecipe to Mark Settled, Discontinued and Ended.

June 24, 2011

Board rendered Praecipe Order. Order as follows: "**AND NOW**, this 24th day of June, 2011, upon receipt of a Praecipe executed by Michael E. Flaherty, Esquire, on behalf of Plaintiff, Reginella Construction Co., Inc., requesting that the Board mark the above-captioned matter and all related claims settled, discontinued and ended, docketed with this Board under date of June 23, 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.

June 30, 2011

Plaintiff filed Acceptance of Service of Order dated June 24, 2011. Receipt of same acknowledged on June 27, 2011.

July 1, 2011

Defendant filed Acceptance of Service of Order dated June 24, 2011. Receipt of same acknowledged on June 28, 2011.
