

Docket Number: 3926

NAPCON, INC.

John G. Dean, Esquire
Joel M. Wolff, Esquire
Colin J. O'Boyle, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

~~Susan P. Shinkman, Chief Counsel~~
Michael T. Ferrence, Assistant Counsel

December 21, 2007

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$74,902.46

December 26, 2007

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

January 7, 2008

Chief Deputy Attorney General filed Acceptance of Service of New Claim. Receipt of same acknowledged by Chief Deputy Attorney General January 3, 2008.

January 25, 2008

Defendant filed Answer to Complaint and New Matter.

January 29, 2008

Board forwarded letter to Plaintiff requesting response to New Matter.

February 15, 2008

Plaintiff transmitted letters/request by fax for a 10 day extension of time, until February 29, 2008 in which to respond to Defendant's New Matter. Defendant concurs with this request.

February 28, 2008

Plaintiff filed letter/request for an extension of time, until February 29, 2008 in which to respond to Defendant's New Matter. Defendant concurs with this request.

March 3, 2008

Plaintiff filed Answer to the New Matter of Respondent.

March 4, 2008

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

July 3, 2008

Defendant filed Motion to Compel Answers to First Set of Interrogatories and First Request for Production of Documents.

July 7, 2008

Board forwarded letter to Plaintiff requesting response to Defendant's Motion to Compel Answers to First Set of Interrogatories and First Request for Production of Documents.

September 3, 2008

Board issued Opinion and Order. Order as follows: **AND NOW**, this 3rd day of September, 2008, 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 Request for Production of Documents within 30 days of the exit date of this Order. Copy forwarded to attorney for Plaintiff and Defendant.

September 3, 2008

Board issued letter to parties advising that the Order of 3rd day of September, 2008, is moot. Plaintiff is expected to comply.

September 9, 2008

Defendant filed Acceptance of Service of Opinion and Order dated September 3, 2008. Receipt of same acknowledged by Defendant September 8, 2008.

September 17, 2008

Plaintiff filed letter advising that Defendant was served a response to Interrogatories on July 14, 2008.

September 17, 2008

Plaintiff filed Objections and Responses to Defendant's First Request for Production of Documents.

September 17, 2008

Plaintiff filed Acceptance of Service of Opinion and Order dated September 3, 2008. Receipt of same acknowledged by Plaintiff September 12, 2008.

September 18, 2008

Defendant filed letter advising it disagrees with Plaintiff's letter of September 15, 2008, wherein Plaintiff stated it responded to Defendant's First Set of Interrogatories and First Request for Production of Documents because Plaintiff had only partially responded and had not answered several interrogatories all together. Defendant requests that Plaintiff should fully respond to Defendant's discovery.

September 18, 2008

Defendant transmitted via fax memo to Plaintiff relative to its Answers to Department's First Set of Interrogatories.

October 2, 2008

Plaintiff filed letter advising that Defendant's discovery requests were answered and/or properly objected to, there remains nothing to compel.

October 2, 2008

Defendant filed letter advising that it continues to contend that Plaintiff's objections were waived as a result of Plaintiff's failure to respond to Defendant's discovery.

March 7, 2019

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

April 22, 2019

Plaintiff filed statement of intention to proceed.
