

(CONSOLIDATED WITH 3838)

Docket Number: 3951

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION**

Jody L. King, Assistant Counsel

VS.

1to1 Contact Centers, Inc.

James Kutz, Esquire

January 14, 2009

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$110,844.66+.

January 15, 2009

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

January 15, 2009

Chief Deputy Attorney General filed Acknowledgement of Claim dated January 15, 2009. Receipt of same acknowledged January 21, 2009.

March 3, 2009

Defendant filed Answer with New Matter. [05A042809]

March 4, 2009

Board forwarded letter to Plaintiff requesting response to New Matter.

March 23, 2009

Plaintiff filed Preliminary Objections to Respondent's New Matter and Brief in Support.

March 24, 2009

Board forwarded letter to Defendant requesting Response and Brief in Support.

June 3, 2009

Board issued an Opinion and Order. Order as follows: **"AND NOW**, this 3rd day of June, 2009, after reviewing Plaintiff's preliminary objections to Defendant's New Matter, and noting that Defendant has failed to respond to same, Plaintiff's preliminary objections in the nature of demurrer to Defendant's New Matter at Paragraph 20 is **SUSTAINED**. Additionally, Plaintiff's preliminary objections to Defendant's New Matter at Paragraphs 21, 22 and 23 for insufficient specificity are also **SUSTAINED**. The remainder of Plaintiff's preliminary objections are hereby **DISMISSED**. Defendant is hereby **GRANTED** leave to file an amended answer with new matter within 30 days of the exit date of this Order to address these deficiencies." Copy forwarded to Plaintiff and Defendant.

June 9, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated June 3, 2009. Receipt of same acknowledged on June 5, 2009.

July 6, 2009

Defendant filed Amended Answer and New Matter with Notice to Plead.

July 7, 2009

Defendant filed Acceptance of Service of Opinion and Order dated June 3, 2009. Receipt of same acknowledged on June 6, 2009.

July 23, 2009

Plaintiff filed an Answer to New Matter.

July 23, 2009

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

March 7, 2011

Plaintiff and Defendant filed a joint letter requesting Dockets 3838 and 3951 be consolidated and requesting the Board schedule a status conference sometime after April 1, 2011.

March 9, 2011

Board rendered Order. Order as follows: "AND NOW, this 9th day of March, 2011, upon consideration of Plaintiff and Defendant's joint letter requesting to consolidate Docket No. 3838 with Docket No. 3951 representing, inter alia, that the two actions arise out of the same contract and factual background, it is **ORDERED** that Docket Nos. 3838 and 3951 are hereby consolidated for all purposes into Docket No. 3951." Copy forwarded to Plaintiff and Defendant.

March 14, 2011

Defendant filed Acceptance of Service of Order dated March 9, 2011. Receipt of same acknowledged March 10, 2011.

March 17, 2011

Plaintiff filed Acceptance of Service of Order dated March 9, 2011. Receipt of same acknowledged March 16, 2011.

October 21, 2011

ltol Contract filed letter requesting hearing be scheduled and advising that Department of Transportation agrees to the request.

October 24, 2011

Board forwarded letter to parties requesting scheduling information.

November 3, 2011

Department of Transportation filed Proposed Scheduling Order.

November 4, 2011

ltol Contract filed Proposed Scheduling Order.

November 15, 2011

Board rendered Scheduling Order. Order as follows: "AND NOW, this 15th day of November, 2011, it is hereby **ORDERED** and **DECREED** as follows: 1. Pursuant to agreement of the parties, discovery is closed, no expert testimony will be utilized at hearing and no pre-trial motions will be filed in this matter; 2. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than January 20, 2012 (Please note BOC R.P. 501(b) and (c)(3)); 3. A pre-trial conference is scheduled for Wednesday, February 1, 2012 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 4. This matter is set for hearing beginning on Tuesday, February 28, 2012 and running through Thursday, March 1, 2012, 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 all parties of record.

November 29, 2011

Defendant filed Acceptance of Service of Scheduling Order dated November 15, 2011. Receipt of same acknowledged on November 16, 2011.

January 18, 2012

Plaintiff filed a letter requesting an extension of time until January 27, 2012 for both parties to file pre-trial statements. Defendant agreed to extension.

January 18, 2012

Board forwarded letter to parties granting extension of time request.

January 25, 2012

1to1 filed Pre-trial Statement.

January 27, 2012

Transportation filed Pre-trial Statement.

February 1, 2012

Pre-Trial Conference held on February 1, 2012 at 1:00 p.m.

February 23, 2012

Transportation filed Stipulations of the Parties.

February 28, 2012

Board hearing held in Board=s Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa commencing at 9:30 a.m. (Case Complete)

March 12, 2012

Testimony of hearing held February 28, 2012 filed. (last day testimony)

March 14, 2012

Board forwarded copy of testimony of hearing held February 28, 2012 to Defendant. (Last Day)

March 16, 2012

1to1 Contact Centers filed a letter advising that parties have reached a tentative settlement and will file praecipe once payment is received.

June 29, 2012

1to1 Contact Centers filed a Praecipe to Discontinue.

July 9, 2012

Board rendered Praecipe Order. Order as follows: **"AND NOW**, this 9th day of July, 2012, upon receipt of a Praecipe executed by James W. Kutz, Esquire, on behalf of Plaintiff, 1 to 1 Contact Centers, Inc., requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of June 29, 2012, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

July 16, 2012

Defendant filed Acceptance of Service of Order dated July 9, 2012.
Receipt of same acknowledged on July 10, 2012.

July 17, 2012

Plaintiff filed Acceptance of Service of Order dated July 9, 2012.
Receipt of same acknowledged on July 13, 2012.
