

Docket Number: 3961

TRIO TRUCKING, INC.

William P. Bresnahan, Esquire
Dwight D. Ferguson, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Andrew S. Gordon, Chief Counsel
Jody L. King, Assistant Counsel

April 30, 2009

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$11,685.36.

April 30, 2009

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

May 8, 2009

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 5, 2009.

May 29, 2009

Defendant filed Preliminary Objections to Claim and Brief in Support. [06A070209]

June 1, 2009

Board forwarded letter to Plaintiff requesting response and brief.

July 2, 2009

Plaintiff filed Response to Preliminary Objections and Brief and Opposition.

August 26, 2009

Board issued Opinion and Order. Order as follows: **AND NOW**, this 26th of August, 2009, it is **ORDERED** and **DECREED** that the preliminary objection of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, alleging that the Plaintiff, Trio Trucking, Inc., has failed to exercise or exhaust statutory remedies is **GRANTED**. The case will be **DISMISSED** without prejudice. The remaining preliminary objections will not be addressed since the case is being dismissed on the grounds noted above. Copies forwarded to Plaintiff and Defendant.

September 3, 2009

Defendant filed Acceptance of Service of Opinion and Order dated August 26, 2009. Receipt of same acknowledged on August 31, 2009.