

Docket Number: 3962

POWER ENGINEERING CORPORATION

Jason A. Copley, Esquire
Ashling A. Ehrhardt, Esquire
Janesa Urbano, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
STATE SYSTEM OF HIGHER EDUCATION
EAST STROUBURG UNIVERSITY**

~~Leo P. Andradis, Chief Counsel~~
Suzanne C. Hixenbaugh, Legal Counsel
Michael S. Ferguson, Legal Counsel
John D. Wacławski, Esquire
Brett W. Farrer, Esquire

May 4, 2009

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$1,409,917.76+.

May 5, 2009

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

May 11, 2009

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged May 8, 2009.

June 8, 2009

Defendant filed Answer and New Matter.

June 8, 2009

Board forwarded letter to Plaintiff with copy to Defendant requesting a response to new matter.

June 30, 2009

Plaintiff filed Reply to New Matter.

June 30, 2009

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

September 28, 2009

Plaintiff filed Motion to Compel Discovery and Proposed Order.

October 26, 2009

Defendant filed letter advising that Defendant filed its answers to Plaintiff's First Set of Interrogatories and Request for Production of Documents, the subject of Plaintiff's Motion to Compel, requesting this letter to serve as Defendant's request that the motion be dismissed as moot.

October 26, 2009

Defendant filed Certificate of Service of Defendant's Answers and Objections to Plaintiff's Interrogatories and Responses and Objections to Plaintiff's First Set of Requests for Production of Documents.

October 26, 2009

Board forwarded letter to Plaintiff, with copy to Defendant requesting a reply to Defendant's Response to Plaintiff's Motion to Compel.

November 13, 2009

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 13th day of November, 2009, it is hereby **ORDERED** and **DECREED** that the motion to compel discovery filed by the Plaintiff on October 26, 2009 is hereby **DENIED** as **MOOT.**" Copy forwarded to Plaintiff and Defendant.

November 16, 2009

Plaintiff filed letter withdrawing Plaintiff's Motion to Compel and requesting a status conference be scheduled to establish a schedule for discovery deadlines and pre-hearing memoranda filings.

November 23, 2009

Plaintiff filed Acceptance of Service of Opinion and Order dated November 13, 2009. Receipt of same acknowledged November 18, 2009.

November 25, 2009

Board forwarded letter to parties requesting proposed scheduling orders.

December 1, 2009

Defendant filed Acceptance of Service of Opinion and Order dated November 13, 2009. Receipt of same acknowledged November 17, 2009.

December 10, 2009

Defendant filed via facsimile a proposed scheduling order.

December 10, 2009

Plaintiff filed via facsimile a proposed scheduling order.

December 14, 2009

Defendant filed via U.S. mail a proposed scheduling order.

December 15, 2009

Board rendered an Order. Order as follows: "AND NOW, this 15th day of December, 2009, 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 April 30, 2010; 2. The last day for defendant's expert report, if any, to be provided to plaintiff is May 28, 2010; 3. All discovery, including exchange of expert rebuttal reports, shall be completed by June 23, 2010; 4. The last day for filing pre-trial motions is July 19, 2010; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than August 25, 2010 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for September 1, 2010 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 October 12, 2010 and running through October 15, 2010, 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.

December 18, 2009

Defendant filed Acceptance of Service of Scheduling Order dated December 15, 2009. Receipt of same acknowledged December 17, 2009.

December 21, 2009

Plaintiff filed Acceptance of Service of Scheduling Order dated December 15, 2009. Receipt of same acknowledged December 17, 2009.

April 23, 2010

Plaintiff filed Motion to Compel Discovery and Proposed Order.

April 23, 2010

Plaintiff filed Motion for Extension of Time requesting all dates in the current scheduling order be pushed back 30 days and proposed order.

April 26, 2010

Board forwarded letter to Defendant, with copy to Plaintiff, requesting a response to Plaintiff's motion to compel discovery.

April 26, 2010

Board rendered a Revised Scheduling Order. Order as follows: "**AND NOW**, this 26th day of April, 2010, upon consideration of the extension request of Plaintiff and Defendant, 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 May 31, 2010;¹ 2. The last day for defendant's expert report, if any, to be provided to plaintiff is June 30, 2010;¹ 3. All discovery, including exchange of expert rebuttal reports, shall be completed by July 30, 2010;² 4. The last day for filing pre-trial motions is August 9, 2010;² 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than September 3, 2010 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for September 8, 2010 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 October 18, 2010 and running through October 22, 2010, 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."

April 26, 2010

Plaintiff filed Acceptance of Service of Revised Scheduling Order. Receipt of same acknowledged April 29, 2010.

May 14, 2010

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 14th day of May, 2010, it is hereby **ORDERED** and **DECREED** that the motion to compel discovery filed by the Plaintiff on April 23, 2010, is hereby **GRANTED**. Defendant is directed to respond to Plaintiff's discovery requests within 15 days of this Order." Copy forwarded to Plaintiff and Defendant.

May 19, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated May 14, 2010. Receipt of same acknowledged May 14, 2010.

May 20, 2010

Defendant filed Acceptance of Service of Opinion and Order dated May 14, 2010. Receipt of same acknowledged May 18, 2010.

May 28, 2010

Defendant filed (via fax) a letter advising that Defendant responded to Plaintiff's discovery requests on April 23, 2010.

June 1, 2010

Defendant filed (via U.S. mail) a letter advising that Defendant responded to Plaintiff's discovery requests on April 23, 2010.

July 6, 2010

Plaintiff filed entry of appearance of Janesa Urbano, Esquire, on behalf of Plaintiff.

July 14, 2010

Plaintiff transmitted a letter via facsimile requesting an extension of the discovery deadline until August 4, 2010 so that they may conduct two depositions that could not be done prior to the scheduling order deadline of July 30, 2010

July 14, 2010

Board forwarded letter to Plaintiff granting the extension until August 4, 2010 to conduct two depositions as requested.

July 16, 2010

Plaintiff transmitted a letter via U.S. mail requesting an extension of the discovery deadline until August 4, 2010 so that they may conduct two depositions that could not be done prior to the scheduling order deadline of July 30, 2010.

July 16, 2010

Plaintiff filed Notice of Service of Notice of Deposition by Oral Examination directed to Christine Langlois.

July 16, 2010

Plaintiff filed Notice of Service of Notice of Deposition by Oral Examination directed to William Pierson.

July 16, 2010

Plaintiff filed Notice of Service of Notice of Deposition by Oral Examination directed to the Corporate Designee of East Stroudsburg University.

July 16, 2010

Plaintiff filed Notice of Service of Notice of Deposition by Oral Examination directed to the Corporate Designee of MKSD, LLC.

July 16, 2010

Plaintiff filed Notice of Service of Notice of Deposition by Oral Examination directed to the Corporate Designee of The Stone House Group, LLC.

September 3, 2010

Defendant filed Praecipe for Appearance of John D. Waclawski, Esquire and Brett W. Farrar, Esquire, on behalf Defendant.

September 3, 2010

Defendant filed Pre-Trial Statement.

September 3, 2010

Defendant filed an Expert Report prepared by John H. McTyre and Joann B. Coleman.

September 3, 2010

Plaintiff filed Pretrial Statement and Rebuttal Report by NEPA Engineering Company.

September 24, 2010

Plaintiff requested 234.1 - to attend with duces tecum subpoena.

September 27, 2010

Board forwarded 234.1 - to attend with duces tecum subpoena dated September 27, 2010 to Plaintiff.

October 8, 2010

Plaintiff filed Supplement to the pretrial statement of Plaintiff.

October 8, 2010

Defendant filed Amended Pre-Trial Statement.

October 12, 2010

Plaintiff filed (via fax) a letter advising that the parties have reached a tentative settlement agreement and requesting the matter be removed from the Board's calendar.

October 13, 2010

Board forwarded letter to parties advising that the hearing scheduled to begin October 18, 2010 has been canceled.

October 18, 2010

Plaintiff filed (via U.S. Mail) a letter advising that the parties have reached a tentative settlement agreement and requesting the matter be removed from the Board's calendar.

July 12, 2011

Board forwarded a letter to Plaintiff, with copy to Defendant, requesting a praecipe to discontinue.

October 7, 2011

Plaintiff filed Praecipe to Mark Case Settled, Discontinued and Ended.

October 12, 2011

Board rendered an Order. Order as follows: "**AND NOW**, this 12th day of October, 2011, upon receipt of a Praecipe executed by Jason A. Copley, Esquire, on behalf of Plaintiff, Power Engineering Corporation, requesting that the Board mark the above-captioned matter settled, discontinued and ended with prejudice, docketed with this Board under date of October 7, 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.

October 18, 2011

Defendant filed Acceptance of Service of Order dated October 12, 2011. Receipt of same acknowledged October 17, 2011.

October 24, 2011

Plaintiff filed Acceptance of Service of Order dated October 12, 2011. Receipt of same acknowledged October 14, 2011.
