

Docket Number: 3968

HRI, INC. to the Use and Benefit  
of POSTUPAK PAINTING CO.,INC.

Howard M. Levinson, Esquire  
Carleton O. Strouss, Esquire  
George Bibikos, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

Andrew S. Gordon, Chief Counsel  
Jason M. Wolgemuth, Assistant Counsel

CLOSED

**July 9, 2009**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$93,600.00.

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**July 10, 2009**

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

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**July 15, 2009**

Chief Deputy Attorney General filed an Acceptance of Service of Claim dated July 10, 2009. Receipt of same acknowledged July 13, 2009.

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**July 23, 2009**

Plaintiff filed Certificate of Service of Claimant's Interrogatories to Respondent and Claimant's Request for Production of Documents to Respondent.

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**August 10, 2009**

Defendant filed Answer With New Matter.

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**August 11, 2009**

Board forwarded letter to Plaintiff requesting response to New Matter.

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**August 20, 2009**

Plaintiff filed Reply to New Matter.

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**August 21, 2009**

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

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**August 21, 2009**

Defendant filed Certificate of Service of Response of Defendant to Plaintiff's Interrogatories.

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**September 11, 2009**

Defendant filed Certificate of Service of Respondent's First Set of Interrogatories.

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**September 16, 2009**

Plaintiff filed Certificate of Service of Second Set of Interrogatories to Respondent and Second Set of Request for Production of Documents to Respondent.

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**October 19, 2009**

Defendant filed Certificate of Service of Respondent's Response to Claimant's Second Set of Interrogatories.

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**October 27, 2009**

Defendant filed Certificate of Service of Respondent's Second Set of Interrogatories.

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**November 4, 2009**

Defendant filed Certificate of Service of Respondent's Request for Production of Documents.

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**November 17, 2009**

Plaintiff filed letter relative to Certificate of Service of Claimant's Answers to Respondent's Second Set of Interrogatories.

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**December 10, 2009**

Plaintiff filed letter requesting a hearing scheduled in this matter.

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**December 14, 2009**

Board forwarded letter to parties for a proposed scheduling order.

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**December 15, 2009**

Defendant filed letter objecting to Plaintiff's request for a hearing to be scheduled in this matter.

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**December 28, 2009**

Defendant filed scheduling information as well as proposed scheduling order.

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**December 29, 2009**

Plaintiff filed scheduling information as well as proposed scheduling order.

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**January 4, 2010**

Plaintiff filed letter advising of its receipt of Defendant's proposed scheduling Order. Plaintiff further advises that all matters should be accomplished within the next several weeks to allow for a hearing on February 15 or 16, 2010.

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**January 6, 2010**

Defendant filed letter advising that discovery is not finished because Plaintiff has not responded to its request for all Project information.

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**January 7, 2010**

Plaintiff filed letter referring to Defendant's letter of January 6, 2010.

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**January 11, 2010**

Board rendered an Order. Order as follows: **"AND NOW**, this 11<sup>th</sup> day of January, 2010, it is hereby **ORDERED** and **DECREED** as follows: 1. All discovery, including exchange of any expert reports, shall be completed by April 2, 2010; 2. The last day for filing pre-trial motions is April 16, 2010; 3. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than May 21, 2010 (Please note BOC R.P. 501(b) and (c)(3)); 4. A pre-trial conference is scheduled for June 2, 2010 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 5. This matter is set for hearing beginning on Tuesday, July 13, 2010 and running through Thursday, July 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.

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**January 14, 2010**

Plaintiff filed Acceptance of Service of Order dated January 11, 2010. Receipt of same acknowledged on January 13, 2010.

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**January 19, 2010**

Defendant filed Acceptance of Service of Order dated January 11, 2010. Receipt of same acknowledged on January 19, 2010.

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**January 19, 2010**

Plaintiff filed Acceptance of Service of Order dated January 11, 2010. Receipt of same acknowledged on January 15, 2010.

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**February 8, 2010**

Plaintiff filed letter advising that the case has been settled and that the execution and transmittal of the settlement documents are expected within the next 30 days.

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**April 2, 2010**

Plaintiff filed letter advising that the case was settled during the first week of February and they are awaiting the settlement funds from Defendant.

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**May 17, 2010**

Plaintiff filed letter advising that it is awaiting execution of the Settlement Agreement.

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**May 17, 2010**

Plaintiff filed copy of letter to Defendant with its Settlement Agreement and Release between the parties.

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**May 17, 2010**

Plaintiff filed Settlement Agreement and Release between the parties.

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**May 17, 2010**

**AND NOW**, this 17<sup>th</sup> day of May, 2010, upon receipt of Plaintiff's letter dated May 14, 2010, advising of impending settlement negotiations, it is hereby **ORDERED** that the dates set for filing of pretrial statements, pretrial conference and hearing are postponed indefinitely. The parties shall advise the Board of the conclusion of settlement negotiations as soon as possible hereafter. Copy forwarded to Plaintiff and Defendant.

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**May 19, 2010**

Defendant filed Acceptance of Service of Order dated May 17, 2010. Receipt of same acknowledged May 5, 2010.

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**May 19, 2010**

Defendant filed Acceptance of Service of Order dated May 17, 2010. Receipt of same acknowledged May 5, 2010.

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**May 21, 2010**

Plaintiff filed Acceptance of Service of Order dated May 17, 2010. Receipt of same acknowledged May 19, 2010.

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**June 18, 2010**

Plaintiff filed Praecipe to Discontinue.

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**June 24, 2010**

Board issued Order. Order as follows: **AND NOW**, this 24th day of June 2010, upon receipt of a Praecipe to Discontinue executed by Carleton O. Strouss, Esquire, on behalf of Plaintiff, HRI, Inc. to the use and benefit of Postupak Painting Co, Inc., requesting that the Board mark the above-captioned matter discontinued pursuant to the terms of a settlement and release agreement, docketed with this Board under date of June 18, 2010, 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 29, 2010**

Defendant filed Acceptance of Service of Order dated June 24, 2010.  
Receipt of same acknowledged June 29, 2010.

**July 1, 2010**

Plaintiff filed Acceptance of Service of Order dated June 24, 2010.  
Receipt of same acknowledged June 28, 2010.