

Docket Number: 3974

ESHELMAN MASONRY, INC.

Sean E. Summers, Esquire

VS.

A & E CONSTRUCTION, INC. and
***FIDELITY & DEPOSIT COMPANY OF MARYLAND**

Jennifer M. Horn, Esquire

AND

COMMONWEALTH OF PENNSYLVANIA,
STATE SYSTEM OF HIGHER EDUCATION,
WEST CHESTER UNIVERSITY

Mark W. Drasnin, Esquire

August 27, 2009

Plaintiff filed Claim against A & E, Fidelity and SSHE, proof of mailing and filing fee. Amount of Claim: \$100,000.00+.

August 31, 2009

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

September 10, 2009

Attorney General filed Acknowledgement of Claim dated August 31, 2009. Receipt of same acknowledged on September 9, 2009.

October 1, 2009

SSHE filed Answer to Statement of Claim of Eshelman Masonry, Inc.

October 23, 2009

A & E filed Cross-Statement of Claim against SSHE.

October 23, 2009

Fidelity & Deposit filed Preliminary Objections to Eshelman's Statement of Claim and Brief in Support. [09A022410D].

October 23, 2009

A & E Construction filed Answer, New Matter and Counter-Statement of Claim to Eshelman's Claim.

October 26, 2009

Board forwarded letter to Eshelman advising of the Rules to file its response and a responsive brief to Fidelity's Preliminary Objections.

October 26, 2009

Board forwarded letter to Eshelman requesting response to New Matter and Counter-Statement of Claim of A & E.

October 26, 2009

Board forwarded letter to SSHE requesting response to A & E's Cross-Statement of Claim against SSHE.

January 20, 2010

Board forwarded letters to Eshelman and SSHE inquiring as to their intent to file responses to the outstanding pleadings.

January 27, 2010

SSHE filed Answer and New Matter to A & E's Cross-Statement of Claim against SSHE.

January 28, 2010

Board forwarded letter to A & E requesting response to New Matter of SSHE.

February 22, 2010

A & E filed Reply to New Matter of SSHE.

***March 5, 2010**

Board rendered Opinion and Order. Order as follows: **"AND NOW, this 5th day of March, 2010, F & D's Preliminary Objections are GRANTED, and Eshelman's claim against F & D is DISMISSED.** Eshelman is, however, granted 20 days leave from the date of this Order to file an amendment to its Statement of Claim for the sole purpose of restating a claim against F & D should it so desire." Copy forwarded to all parties of record.

March 10, 2010

Eshelman filed Acceptance of Service of Opinion and Order dated March 5, 2010. Receipt of same acknowledged on March 9, 2010.

March 11, 2010

Eshelman filed Response to A & E's New Matter and Counter-Statement.

March 15, 2010

A & E and Fidelity filed Acceptance of Service of Opinion and Order dated March 5, 2010. Receipt of same acknowledged on March 10, 2010.

June 10, 2010

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