

Docket Number: 3995

THE FARFIELD COMPANY

Theodore A. Adler, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES**

~~Michael Eichert, Chief Counsel~~
David L. Narkiewicz, Assistant Chief Counsel

July 1, 2010

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$11,691.26+.

July 2, 2010

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

July 7, 2010

Attorney General filed Acknowledgement of Claim form. Receipt of same acknowledged July 6, 2010.

August 2, 2010

Defendant filed Answer and New Matter.

August 3, 2010

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

August 11, 2010

Plaintiff filed Reply to New Matter.

August 12, 2010

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

October 13, 2010

Plaintiff filed Affidavit of Service of Mail of a request for admissions and interrogatories served upon Defendant.

October 20, 2010

Plaintiff filed Motion for Summary Judgment, Brief in Support and Proposed Order. [01A113010D]

October 21, 2010

Board forwarded letter to Defendant, with copy to Defendant, requesting a response to Plaintiff's motion for summary judgment.

November 19, 2010

Defendant filed letter requesting an extension of time until November 24, 2010, in which to file an answer and reply brief to Plaintiff's Motion for Summary Judgment, and advising that Plaintiff counsel has no opposition.

November 22, 2010

Board forwarded letter to Defendant, with copy to Plaintiff granting an extension of time until November 24, 2010, in which to file an answer and reply brief to Plaintiff's motion for summary judgment.

November 24, 2010

Defendant filed Answer to Plaintiff's Motion for Summary Judgment and Brief in Support.

December 2, 2010

Plaintiff filed Motion to Strike Affidavit of Elizabeth O'Reilly, Brief in Support and Proposed Order.

December 2, 2010

Board forwarded letter to Defendant, with copy to Plaintiff, advising of rules for filing responses/briefs.

December 21, 2010

Board issued an Opinion and Order. Order as follows: **"AND NOW,** this 21st day of December, 2010, upon review of the motion for summary judgment of Plaintiff, The Farfield Company, and the response thereto of Defendant, Pennsylvania Department of General Services, it is hereby **ORDERED** that said motion is **DENIED** without prejudice. It is further **ORDERED** that both parties shall complete whatever discovery they deem necessary within six months from the date of this Order." Copy forwarded to Plaintiff and Defendant.

December 27, 2010

Defendant filed Acceptance of Service of Opinion and Order dated December 21, 2010. Receipt of same acknowledged December 23, 2010.

January 5, 2011

Plaintiff filed Acceptance of Service of Opinion and Order dated December 21, 2010. Receipt of same acknowledged January 3, 2011.

January 10, 2011

Board rendered an Order. Order as follows: "AND NOW, this 10th day of January, 2011, following the Board's determination of Plaintiff's motion for summary judgment by Order of December 21, 2010, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Strike Affidavit of Elizabeth O'Reilly is **DENIED** as **MOOT**." Copy forwarded to Plaintiff and Defendant.

January 13, 2011

Plaintiff filed Acceptance of Service of Order dated January 10, 2011. Receipt of same acknowledged January 11, 2011.

January 14, 2011

Defendant filed Acceptance of Service of Order dated January 10, 2011. Receipt of same acknowledged January 11, 2011.

March 23, 2011

Plaintiff filed Motion for Partial Summary Judgment, Brief in Support and Proposed Order.

March 23, 2011

Board forwarded letter to Defendant, with copy to Plaintiff, requesting a response to Plaintiff's motion for partial summary judgment.

April 26, 2011

Defendant filed letter requesting an extension of time until April 29, 2011, in which to file an answer and brief in reply to Plaintiff's motion for partial summary judgment.

April 29, 2011

Defendant filed Answer to Motion for Summary Judgment and Brief in Support of its Answer.

June 10, 2011

Board forwarded letter to parties scheduling a status conference for June 24, 2011 at 1:00 p.m. at the offices of the Board of Claims, 7th Floor, 200 North Third Street, Harrisburg, PA.

June 24, 2011

Status conference held at 1:00 p.m. at the offices of the Board of Claims, 7th Floor, 200 North Third Street, Harrisburg, PA.

May 4, 2012

Plaintiff filed a letter requesting that an additional conference be held to discuss the additional facts the Board needs from the parties.

May 7, 2012

Board forwarded letter to parties scheduling a status conference for May 18, 2012 at 1:00 p.m. at the offices of the Board of Claims, 7th Floor, 200 North Third Street, Harrisburg, PA.

May 18, 2012

Status conference held at 1:00 p.m. at the offices of the Board of Claims, 7th Floor, 200 North Third Street, Harrisburg, PA.

May 23, 2012

Plaintiff and Defendant filed proposed scheduling Order.

May 23, 2012

Board rendered Scheduling Order. Order as follows: "**AND NOW**, this 23rd day of May, 2012, 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 July 16, 2012;¹ 2. The last day for defendants' expert report, if any, to be provided to plaintiff is August 16, 2012;¹ 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by August 31, 2012;² 4. The opportunity for filing pre-trial motions (other than for discovery) is closed;² 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than September 30, 2012 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, October 3, 2012 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 Wednesday, November 7, 2012 and running through Friday, November 9, 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 Plaintiff and Defendant.

May 23, 2012

Plaintiff filed Praecipe to Withdraw Plaintiff's Motion for Partial Summary Judgment.

May 24, 2012

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 24th day of May, 2012, upon receipt of a Praecipe to Withdraw Plaintiff's Motion for Partial Summary Judgment, executed by Theodore A. Adler, Esquire, on behalf of Plaintiff, The Farfield Company, requesting that the Board withdraw its Motion for Partial Summary Judgment, docketed with this Board under date of May 23, 2012, it is **ORDERED** and **DIRECTED** that the above-captioned motion is **WITHDRAWN**." Copy forwarded to Plaintiff and Defendant.

May 25, 2012

Plaintiff filed Acceptance of Service of Scheduling Order dated May 23, 2012. Receipt of same acknowledged May 24, 2012.

May 25, 2012

Defendant filed Acceptance of Service of Scheduling Order dated May 23, 2012. Receipt of same acknowledged May 23, 2012.

May 29, 2012

Plaintiff filed Acceptance of Service of Opinion and Order dated May 24, 2012. Receipt of same acknowledged May 25, 2012.

May 29, 2012

Defendant filed Acceptance of Service of Opinion and Order dated May 24, 2012. Receipt of same acknowledged May 25, 2012.

September 28, 2012

Plaintiff filed Pre-Hearing Memorandum.

September 28, 2012

Defendant filed pre-hearing memorandum.

October 3, 2012

Pre-trial conference held at 1:00 p.m. at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101.

November 7, 2012

Board hearing held in Board=s Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa. Case left open for possible additional testimony.

November 13, 2012

Plaintiff filed a letter advising that the parties are available for continued hearing on November 29, 2012 at 1:00 p.m. and that unless they hear otherwise, they will assume that this date is acceptable to the Board.

November 14, 2012

Board forwarded letter to parties confirming that hearing will recommence on November 29, 2012 at 1:00 p.m.

November 29, 2012

Board hearing held in Board=s Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa. Case completed.

November 30, 2012

Testimony of Board hearing held November 7, 2012 filed.

December 3, 2012

Board forwarded copy of testimony of Board hearing held November 7, 2012 to Defendant.

December 6, 2012

Defendant filed Acceptance of Service of testimony of hearing held November 7, 2012. Receipt of same acknowledged December 4, 2012.

December 10, 2012

Testimony of Board hearing held November 29, 2012 filed. Copy forwarded to attorney for Defendant. Last day.

December 10, 2012

Board forwarded letters to parties setting a briefing schedule.

December 13, 2012

Defendant filed Acceptance of Service of testimony of hearing held November 29, 2012. Receipt of same acknowledged December 12, 2012.

January 4, 2013

Plaintiff filed Suggested Findings of Fact and Conclusions of Law as well as, Brief in Support.

February 4, 2013

Defendant filed a letter requesting an extension of time until February 8, 2013 in which to file its proposed findings of fact, conclusions and law and brief. Plaintiff agreed to same.

February 4, 2013

Board forwarded letter to Defendant, with copy to Plaintiff, granting an extension of time until February 8, 2013, to file its proposed findings of fact, conclusions and law and brief.

February 8, 2013

Defendant filed Proposed Findings of Fact and Answer to the Suggested Findings of Fact and Conclusions of Law by Plaintiff.

February 8, 2013

Defendant filed a letter requesting an extension of time until February 13, 2013, to file its proposed conclusions of law and brief.

February 11, 2013

Board forwarded letter to Defendant, with copy to Plaintiff, granting an extension of time until February 13, 2013, to file its proposed conclusions of law and brief.

February 13, 2013

Defendant filed Proposed Conclusions of Law and Brief in Support of its Findings of Facts and Conclusions of Law.

February 14, 2013

Defendant filed Verification and CD containing Defendant's post trial filings.

February 19, 2013

Plaintiff filed CD containing an electronic copy of Plaintiff's Findings of Fact and Conclusions of Law.

February 21, 2013

Plaintiff filed Reply Brief to the Brief of Defendant.

February 22, 2013

Plaintiff filed a CD containing an electronic copy of its Brief in Support of its Findings of Facts and Conclusions of Law and Reply Brief to the Brief of Defendant.

May 14, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 14th day of May, 2013, it is hereby **ORDERED, ADJUDGED** and **DECREED** that judgment in this matter is entered in favor of the Commonwealth of Pennsylvania, Department of General Services and against The Farfield Company. No award is made to the Farfield Company. Each party shall bear its own costs and attorneys' fees." Copy forwarded to Plaintiff, Defendant and Attorney General.

May 16, 2013

Defendant filed Acceptance of Service of Opinion and Order dated May 14, 2013. Receipt of same acknowledged May 15, 2013.

May 20, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated May 14, 2013. Receipt of same acknowledged May 15, 2013.

May 20, 2013

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged May 16, 2013.
