

Docket Number: 4012

L.C. WHITFORD CO., INC.

James W. Kutz. Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Andrew S. Gordon, Chief Counsel~~
Gerald R. Schultz, Assistant Counsel

***April 21, 2011**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$200,000+.

April 25, 2011

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

May 2, 2011

Chief Deputy Attorney General filed Acknowledgement form. Receipt of same acknowledged April 27, 2011.

May 18, 2011

Defendant filed preliminary objections and brief in support.

May 20, 2011

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

***May 27, 2011**

Plaintiff filed Amended Complaint and proof of mailing. Amount unchanged.

June 3, 2011

Chief Deputy Attorney General filed Acknowledgement form. Receipt of same acknowledged June 2, 2011.

August 3, 2011

Defendant filed Answer, New Matter and Counterclaim.

August 4, 2011

Board forwarded letter to Plaintiff requesting response to Defendant's New Matter and Counterclaim.

August 25, 2011

Plaintiff filed Reply to Defendant's New Matter and Counterclaim.

August 29, 2011

Board forwarded letter to Plaintiff and Defendant directing the parties to commence with discovery.

September 6, 2011

Defendant filed Notice of Service of First Request for Production of Documents.

May 2, 2012

Defendant filed Notice of Service of Interrogatories to Plaintiff - First Set.

October 31, 2013

Plaintiff filed a letter requesting the Board issue a scheduling order.

November 1, 2013

Board forwarded letter to parties requesting a proposed scheduling order.

November 15, 2013

Defendant filed proposed scheduling order.

November 20, 2013

Plaintiff filed proposed scheduling dates.

December 2, 2013

Board forwarded letter to parties scheduling a status conference for Friday, January 17, 2014 at 1:00 p.m.

January 17, 2014

Status conference held at 1:00 p.m.

January 17, 2014

Board rendered a Scheduling Order. Scheduling Order as follows: "AND NOW, this 17th day of January, 2014, 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 November 14, 2014; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is December 31, 2014; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by January 31, 2015; 4. The last day for filing pre-trial motions is February 11, 2015; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 17, 2015 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, March 25, 2015 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 Monday, April 20, 2015 and running through Friday, April 24, 2015, 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.

January 27, 2014

Plaintiff filed Acceptance of Service of Scheduling Order dated January 17, 2014. Receipt of same acknowledged January 24, 2014.

April 3, 2014

Defendant filed a Motion to Compel Answers to Interrogatories (1st Set) pursuant to Pa. R.C.P. 4019 and Brief in Support.

April 4, 2014

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

May 13, 2014

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 13th day of May, 2014, it is **ORDERED** and **DECREED** that Defendant's Motion to Compel is **GRANTED**. Plaintiff is directed to respond to Defendant's First Set of Interrogatories within 30 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

August 26, 2014

Board forwarded letter to parties requesting a date and time to hold a settlement conference.

September 26, 2014

Plaintiff filed letter advising that both parties are available for a settlement conference on October 27, 2014 at 1:00 p.m.

September 26, 2014

Board forwarded letter to parties scheduling settlement conference for Monday, October 27, 2014 at 1:00 p.m.

October 27, 2014

Board held settlement conference on Monday, October 27, 2014 at 1:00 p.m. in Judge's office.

February 2, 2015

Defendant filed Defendant's Expert Report.

March 11, 2015

Parties filed a letter advising that they have reached a settlement and requesting that the Board remove this case from its trial lists.

January 13, 2016

Plaintiff filed Praecipe to Discontinue.

January 14, 2016

Board forwarded letter to Defendant requesting it advise whether it intends to dismiss its counterclaim.

January 22, 2016

Defendant filed Praecipe to Discontinue counterclaim.

January 25, 2016

Board rendered Order. Order as follows: "**AND NOW**, this 25th day of January, 2016, upon receipt of a praecipe executed by James W. Kutz, Esquire, on behalf of Plaintiff, L.C. Whitford Co., Inc., requesting that the Board mark the above-referenced action as settled, ended and discontinued with prejudice, docketed with this Board under date of January 13, 2016, and a praecipe executed by Gerald R. Schultz, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation, requesting that the Board mark the counterclaim in the above-referenced action settled, ended and discontinued with prejudice, docketed with this Board under date of January 22, 2016, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

February 1, 2016

Plaintiff filed Acceptance of Service of Order dated January 25, 2016. Receipt of same acknowledged January 29, 2016.
