

Docket Number: 4013

**DOLAN CONSTRUCTION, INC.**

Thomas R. Davies, Esquire  
David A. Flores, Esquire  
Tracey Thomas Cadzow, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

~~Andrew S. Gordon, Chief Counsel~~  
Jeffrey M. Spotts, Assistant Counsel

**April 22, 2011**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$215,815.11+.

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**April 25, 2011**

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

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**May 2, 2011**

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged May 2, 2011.

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**May 20, 2011**

Defendant filed Preliminary Objections and Brief in Support.

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**May 23, 2011**

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

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**\*June 8, 2011**

Plaintiff filed Amended Claim and proof of mailing. Amount of Claim: unchanged.

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**June 9, 2011**

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

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**June 16, 2011**

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged June 14, 2011.

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**July 7, 2011**

Defendant filed Answer and New Matter.

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**July 7, 2011**

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

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**July 28, 2011**

Plaintiff filed Answer to Defendant's New Matter.

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**July 29, 2011**

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

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**November 1, 2011**

Defendant filed Notice of Service of Responses to Claimant's First Set of Interrogatories and Requests for Production of Documents.

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**December 9, 2011**

Defendant filed Notice of Service of Interrogatories and Requests for Production of Documents.

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**February 6, 2012**

Plaintiff forwarded letter to the Board advising they forwarded Answers to Defendant's Interrogatories and First Request for Production of Documents to Defendant.

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**March 26, 2012**

Plaintiff filed a Certificate of Readiness certifying that this case is ready for hearing and requesting a pre-hearing conference and scheduling of hearing.

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**March 26, 2012**

Plaintiff filed Notice of Service of answers to Defendant's interrogatories and document requests.

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**March 28, 2012**

Defendant transmitted via facsimile a letter disagreeing with Plaintiff's request for a hearing and requesting that this matter not be listed for hearing at this time.

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**March 30, 2012**

Board forwarded letter to parties requesting proposed scheduling orders.

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**April 2, 2012**

Defendant filed via U.S. mail a letter disagreeing with Plaintiff's request for a hearing and requesting that this matter not be listed for hearing at this time.

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**April 12, 2012**

Defendant filed a proposed scheduling order.

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**April 18, 2012**

Board rendered a scheduling order. Order as follows: **"AND NOW**, this 18<sup>th</sup> day of April, 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 September 12, 2012; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is October 19, 2012; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by November 30, 2012; 4. The last day for filing pre-trial motions is December 14, 2012; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than January 23, 2013 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for January 30, 2013 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 March 18, 2013 and running through March 22, 2013, 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."

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**April 24, 2012**

Plaintiff filed Acceptance of Service of Scheduling Order dated April 18, 2012. Receipt of same acknowledged April 23, 2012.

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**April 25, 2012**

Defendant filed Acceptance of Service of Scheduling Order dated April 18, 2012. Receipt of same acknowledged April 19, 2012.

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**November 1, 2012**

Defendant filed Notice of Service of Second Set of Interrogatories and Requests for Production of Documents.

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**December 5, 2012**

Plaintiff filed Notice of Service of Answers to Second Set of Interrogatories and Requests for Production of Documents.

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**January 23, 2013**

Plaintiff filed Pre-trial Statement.

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**January 23, 2013**

Defendant filed Pre-trial Statement.

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**January 30, 2013**

Pretrial Conference held at 1:00 PM in Judge's Chamber.

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**February 6, 2013**

Defendant forwarded letter to the Board designating Diane M. Chamberlin as the Department's witness.

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**February 6, 2013**

Plaintiff filed Supplemental Designation of Witnesses.

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**February 13, 2013**

Defendant forwarded letter to the Board in regards to counsels email discussions in reference to exhibits.

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**February 19, 2013**

Plaintiff forwarded letter to the Board in regards to Plaintiff's Revised Exhibit List.

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**March 7, 2012**

Defendant filed letter regarding Exhibits for hearing as well as Exhibits.

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**March 8, 2012**

Plaintiff filed letter regarding Exhibits for hearing as well as Exhibits.

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**March 18, 2013**

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

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**March 19, 2013**

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

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**March 20, 2013**

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

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**March 21, 2013**

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

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**March 22, 2013**

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

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**April 2, 2013**

Defendant transmitted via facsimile a letter advising the Board that the parties are working to settle this matter and request the schedule relative to findings of fact, conclusions of law and brief be continued.

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**April 2, 2013**

Board forwarded letter postponing briefings indefinitely.

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**April 3, 2013**

Defendant filed via U.S. Mail a letter advising the Board that the parties are working to settle this matter and request the schedule relative to findings of fact, conclusions of law and brief be continued.

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**April 15, 2013**

Testimony of hearing held March 18, 19 & 20, 2013 filed.

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**April 16, 2013**

Testimony of hearing held March 21 & 22, 2013 filed. Last Day

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**May 29, 2013**

Board rendered an Order. Order as follows: "**AND NOW**, this 29<sup>th</sup> day of May, 2013, upon receipt of a Joint Praecipe executed by David A. Flores, Esquire, on behalf of Plaintiff, Dolan Construction, Inc. and Jeffrey M. Spotts, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation, requesting that the Board mark the above-captioned matter settled and closed, docketed with this Board under date of May 29, 2013, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

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**June 4, 2013**

Plaintiff filed Acceptance of Service of Order dated May 29, 2013. Receipt of same acknowledged June 3, 2013.