

Docket Number: 4024

**CARMEN PALIOTTA CONTRACTING, INC.**

Jeffrey Brahan, Esquire  
David A. Levine, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

~~Andrew Gordon, Chief Counsel~~  
Jeffrey M. Spots, Assistant Counsel

**September 27, 2011**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: 1,750,000.00

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**September 27, 2011**

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

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**October 25, 2011**

Defendant filed Answer and New Matter.

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**October 25, 2011**

Board forwarded letter to Plaintiff requesting response to new matter.

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**December 9, 2011**

Plaintiff filed Reply to New Matter as well as Motion for Leave to Amend Statement of Claim and Brief.

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**December 12, 2011**

Board forwarded letter to Defendant requesting response to Motion for Leave to Amend Statement of Claim.

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**January 6, 2012**

Defendant filed Answer to Motion for Leave to Amend Statement of Claim and Brief in Support.

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**January 13, 2012**

Plaintiff filed Reply Brief in Support of Motion for Leave to Amend Statement of Claim.

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**January 26, 2012**

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 26<sup>th</sup> day of January, 2012, it is **ORDERED** and **DECREED** that Plaintiff's Motion for Leave to Amend Statement of Claim is **GRANTED IN PART** in that Plaintiff may amend the *ad damnum* clauses of the Complaint, but **DENIED IN PART** in that Plaintiff may not amend the Statement of Claim by adding Count VII." Copy forwarded to Plaintiff and Defendant.

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**February 21, 2012**

Plaintiff filed Acceptance of Service of Opinion and Order dated January 26, 2012. Receipt of same acknowledged on February 14, 2012.

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**April 10, 2013**

Defendant filed Notice of Service of Response to First Set of Interrogatories and Request for Production of Documents.

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**April 17, 2013**

Defendant filed Notice of Service of Supplemental Response to First Set of Interrogatories and Requests for Production of Documents.

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**July 15, 2013**

Defendant filed Notice of Service of Defendant's Response to Plaintiff's Amended First set of Interrogatories.

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**July 22, 2013**

Plaintiff filed Motion to Compel Discovery Responses and Brief in Support.

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**July 23, 2013**

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

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**August 12, 2013**

Plaintiff filed letter advising that the parties have reached a tentative settlement and agreed to stay the pending litigation and continue Plaintiff's Motion to Compel generally, pending finalization of the parties' settlement agreement.

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**August 12, 2013**

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 12<sup>th</sup> day of August, 2013, it is hereby **ORDERED** and **DECREED** that this action be **STAYED** until further notice. Any party may request the Board to lift this stay if and when it has reason to proceed further in this action." Copy forwarded to Plaintiff and Defendant.

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**August 15, 2013**

Defendant filed Acceptance of Service of Opinion and Order dated August 12, 2013. Receipt of same acknowledged on August 13, 2013.

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**August 19, 2013**

Plaintiff filed Acceptance of Service of Opinion and Order dated August 12, 2013. Receipt of same acknowledged on August 16, 2013.

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**November 25, 2013**

Plaintiff filed a Joint Praecipe to Settle and Discontinue All Claims and Counterclaims with Prejudice.

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**November 25, 2013**

Board rendered Praecipe Order. Order as follows: **"AND NOW,** this 26<sup>th</sup> day of November, 2013, upon receipt of a Praecipe executed by David A. Levine, Esquire, on behalf of Plaintiff, Carmen Paliotta Contracting, Inc. and Jeffrey M. Spotts, Assistant Counsel, on behalf of Defendant, Department of Transportation, requesting that the Board mark the above-captioned matter settled and discontinued, docketed with this Board under date of November 25, 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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**December 3, 2013**

Defendant filed Acceptance of Service of an Order dated November 26, 2013. Receipt of same acknowledged on December 2, 2013.

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**December 13, 2013**

Plaintiff filed Acceptance of Service of an Order dated November 26, 2013. Receipt of same acknowledged on December 2, 2013.

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