

Docket Number: 4032

S.P. McCARL & COMPANY, INC.

Christopher M. Buell, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

Michael Eichert, Chief Counsel
Harry R. Walker, III, Esquire

VS.

S.P. McCARL & COMPANY, INC.

Anthony J. Leido, Esquire
Randall G. Gale, Esquire

December 19, 2011

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: Amount of Initial Claim (Unknown).

December 20, 2011

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

January 17, 2012

Defendant filed Answer, New Matter and Counterclaim.

January 19, 2012

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

February 2, 2012

Plaintiff filed letter requesting a 30 day extension of time in which to file its response to Defendant's new matter and counterclaim.

February 3, 2012

Board forwarded letter to Plaintiff, with copy to Defendant granting a 30 day extension of time in which to file its response to Defendant's new matter and counterclaim

***February 6, 2012**

McCarl (CCD) filed Entry of Appearance of Anthony T. Lucido, Esquire on behalf of Counterclaim Defendant, S.P. McCarl & Company, Inc.

February 6, 2012

Board forward letter to counsels requesting clarification of the Entry of Appearance of Anthony T. Lucido, Esquire on behalf of Counterclaim Defendant, S.P. McCarl & Company, Inc.

February 7, 2012

McCarl (CCD) transmitted via facsimile a letter clarifying its entry of appearance of Anthony T. Lucido, Esquire on behalf of McCarl (CCD) and advising that Attorney Buell will continue to represent McCarl (P).

March 5, 2012

McCarl (CCD) filed Reply to New Matter and Counterclaim.

March 6, 2012

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

July 31, 2012

Defendant filed a letter requesting that this case be listed for trial.

July 31, 2012

Board forwarded letter to parties requesting proposed scheduling orders.

August 1, 2012

Defendant filed Notice of Service of Defendant's Answer to First Set of Interrogatories.

August 2, 2012

Defendant filed a joint proposed scheduling order.

August 7, 2012

Board rendered an Order. Order as follows: "AND NOW, this 7th day of August, 2012, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for Plaintiff's initial expert report, if any, to be provided to Defendant is December 14, 2012; 2. The last day for Defendant's initial expert report, if any, to be provided to Plaintiff is January 15, 2013; 3. All discovery, including exchange of any further expert rebuttal reports, shall be completed by January 31, 2013; 4. The last day for filing pre-trial motions is January 31, 2013; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 8, 2013 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for March 13, 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 April 22, 2013 and running through April 26, 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." Copy forwarded to Plaintiff and Defendant.

August 9, 2012

Defendant filed Acceptance of Service of Scheduling Order dated August 7, 2012. Receipt of same acknowledged August 8, 2012.

August 13, 2012

Plaintiff filed Acceptance of Service of Scheduling Order dated August 7, 2012. Receipt of same acknowledged August 9, 2012.

November 2, 2012

Defendant filed Notice of Service of Respondent's Answer to First Set of Request for Production of Documents.

November 9, 2012

DGS filed Notice of Service of First Request of Interrogatories and First Requests for Production of Documents.

November 26, 2012

Plaintiff requested by telephone Subpoena 4009.21 - to produce documents.

November 26, 2012

Board forwarded Subpoena 234.1 4009.21 - to produce documents dated November 26, 2012 to Plaintiff.

December 12, 2012

Plaintiff filed Notice of Service of Claimant's Answers to First Set of Interrogatories.

December 12, 2012

Defendant filed Notice of Service of Notice of Deposition of Frank J. Miller, Jr., P.E.

December 19, 2012

Plaintiff filed Notice of Service of Plaintiff's responses to first set of requests for production of documents.

December 19, 2012

Defendant filed a motion to compel the deposition of Frank Miller, Jr. and request for expedited consideration and brief in support.

December 20, 2012

Defendant filed Praecipe to Attach Proposed Order to the Motion to Compel filed December 19, 2012.

December 20, 2012

Board forwarded letter to Plaintiff, with copy to Defendant requesting a response within 15 days.

January 4, 2013

Plaintiff filed Response to Motion to Compel Deposition of Frank Miller, Jr. and Brief in Opposition.

January 7, 2013

Defendant filed Notice of Service of Notice of Deposition of Bill Sagaities and Joseph Terza.

January 7, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 7th day of January, 2013, it is hereby **ORDERED** and **DECREED** that Defendant's motion to compel the deposition of Frank Miller, Jr. is hereby **GRANTED** subject to the conditions noted in this Opinion." Copy forwarded to Plaintiff and Defendant.

January 8, 2013

McCarl (CCD) transmitted (via fax) Acceptance of Service of Opinion and Order dated January 8, 2013. Receipt of same acknowledged January 8, 2013.

January 9, 2013

Defendant filed Acceptance of Service of Opinion and Order dated January 7, 2013. Receipt of same acknowledged January 8, 2013.

January 10, 2013

Defendant filed Acceptance of Service of Opinion and Order dated January 9, 2013. Receipt of same acknowledged January 8, 2013.

February 13, 2013

Board forwarded Notice of Settlement Conference.

March 8, 2013

McCarl (CCD) filed Praecipe for Entry of Appearance entering the appearance of Randall G. Gale, Esquire, and withdrawing the appearance of Anthony T. Lucido, Esquire, on behalf of McCarl (CCD).

March 8, 2013

Defendant filed pre-trial statement.

March 8, 2013

McCarl (Plaintiff and CCD) filed pre-hearing memorandum.

March 13, 2013

Defendant transmitted (via fax) a letter advising that the parties have agreed to an amicable resolution and request that the pre-trial conference be cancelled. Defendant also advised that a praecipe to discontinue will be filed upon final execution of the settlement agreement and release.

April 10, 2013

Defendant transmitted (via fax) a letter requesting this matter be stayed indefinitely pending final execution of the settlement agreement and release.

April 11, 2013

Board forwarded letter to Defendant, with copy to all other parties, advising that the matter is stayed indefinitely pending final execution of the settlement agreement and release.

June 28, 2013

Defendant filed a Joint Praecipe to Discontinue.

July 1, 2013

Board rendered an Order. Order as follows: "**AND NOW**, this 1th day of July, 2013, upon receipt of a Joint Praecipe executed by Kurt F. Fernsler, Esquire, on behalf of Plaintiff, S.P. McCarl & Company, Inc. and Harry R. Walter, III, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services, requesting that the Board mark the above-captioned case and associated counterclaims settled, discontinued and ended, docketed with this Board under date of June 28, 2013, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to all parties of record.

July 9, 2013

Defendant filed Acceptance of Service of Order dated July 1, 2013. Receipt of same acknowledged July 5, 2013.

July 12, 2013

S.P. McCarl filed Acceptance of Service of Order dated July 1, 2013. Receipt of same acknowledged July 10, 2013.

July 15, 2013

Plaintiff filed Acceptance of Service of Order dated July 1, 2013. Receipt of same acknowledged July 9, 2013.
