

Docket Number: 4036

SCIENTIFIC GAMES INTERNATIONAL, INC.

Robert W. Hayes, Chief Counsel

VS.

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

~~Michael Eichert, Chief Counsel~~
Michael C. Barrett, Senior Counsel

and

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE**

~~David R. Kraus, Chief Counsel~~
Michael C. Barrett, Senior Counsel

April 6, 2012

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$1,316,000.00+.

April 9, 2012

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

May 7, 2012

Defendants filed preliminary objections and memorandum of law in support.

May 8, 2012

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

May 17, 2012

Defendant filed corrected Memorandum of law in support of preliminary objections.

May 25, 2012

Plaintiff filed a stipulation of counsel to stay the proceedings pending resolution of related litigation.

May 29, 2012

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 29th day of May, 2012, it is hereby **ORDERED** and **DECREED** that this action be **STAYED** until further notice. Either 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.

May 31, 2012

Defendant filed Acceptance of Service of Opinion and Order dated May 29, 2012. Receipt of same acknowledged May 30, 2012.

June 5, 2012

Plaintiff filed Acceptance of Service of Opinion and Order dated May 29, 2012. Receipt of same acknowledged June 1, 2012.

May 6, 2013

Plaintiff filed a letter requesting that the Board lift the stay so that Plaintiff can pursue its case now that a decision has been rendered in the Supreme Court in Scientific Games No. 42 MAP 2012 holding that the Board of Claims has exclusive jurisdiction.

May 6, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 6th day of May, 2013, it is hereby **ORDERED** and **DECREED** that the stay in this action is **REMOVED**. Plaintiff shall have 30 days from the date of this Order to file its response to Defendant's outstanding preliminary objections." Copy forwarded to Plaintiff and Defendant.

May 8, 2013

Defendant filed Acceptance of Service of Opinion and Order dated May 6, 2013. Receipt of same acknowledged May 7, 2013.

June 5, 2013

Plaintiff filed Answer to Preliminary Objections and Brief in Opposition as well as Proposed Order.

June 10, 2013

Defendant transmitted via facsimile a letter requesting the opportunity to file a brief reply to Plaintiff's response to Defendant's preliminary objections as well as requesting a pre-hearing conference.

June 10, 2013

Defendant transmitted via facsimile a corrected letter (address was incorrect) requesting the opportunity to file a brief reply to Plaintiff's response to Defendant's preliminary objections as well as requesting a pre-hearing conference.

June 11, 2013

Board forwarded letter to Defendant, with copy to Plaintiff, granting Defendant's request to file a short reply to Plaintiff's response to Defendant's preliminary objections, as well as, advising that the Board will be contacting the parties to schedule a status conference.

June 13, 2013

Defendant filed via U.S. mail a corrected letter (address was incorrect) requesting the opportunity to file a brief reply to Plaintiff's response to Defendant's preliminary objections as well as requesting a pre-hearing conference.

June 13, 2013

Defendant filed Reply to Plaintiff's Brief in Opposition to Preliminary Objections.

June 20, 2013

Plaintiff transmitted via facsimile a letter requesting leave to file a short Sur-Reply brief.

June 20, 2013

Board forwarded letter to Plaintiff, with copy to Defendant acknowledging its request to file a brief sur-reply and advising that same may be done by no later than June 25, 2013.

June 21, 2013

Board forwarded letter to parties advising that the Board wishes to hold a status conference and will be contacting the parties in the near future to schedule same.

June 25, 2013

Plaintiff filed via U.S. Mail a letter requesting leave to file a short Sur-Reply brief.

June 25, 2013

Plaintiff filed Sur-Reply in Support of its Opposition to the Commonwealth's Preliminary Objections.

June 25, 2013

Board forwarded letter to parties scheduling a status conference for July 9, 2013 at 1:00 p.m.

July 9, 2013

Board status conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101.

July 11, 2013

Defendant transmitted (via facsimile) a letter with its proposed dates for scheduling purposes.

July 18, 2013

Plaintiff filed letter with its proposed scheduling information.

July 31, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 31st day of July, 2013, upon consideration of the Defendants' preliminary objections to "Count I - Violation of 62 Pa. Cons. Stat. § 521" of Plaintiff's statement of claim, the Plaintiff's answer, the Defendant's reply, and the Plaintiff's sur-reply, it is **ORDERED** and **DECREED** that the preliminary objection for lack of subject matter jurisdiction pursuant to Pa. R.C.P. 1028(a)(1) to Count I is **SUSTAINED**. Count I is **DISMISSED** with prejudice. The parties are to proceed with and complete discovery related to the remaining issues raised by Defendants' preliminary objections to Counts II and III of the statement of claim." Copy forwarded to Plaintiff and Defendant.

August 1, 2013

Board rendered an Order. Order as follows: **"AND NOW,** this 1st day of August, 2013, pursuant to the parties' scheduling requests and availability to present evidence regarding Defendants' preliminary objections to Counts II and III, including issues relevant to the Board's jurisdiction over the claims made therein, it is hereby **ORDERED** and **DECREED** as follows: 1. The close of discovery on the pending issues is November 15, 2013; 2. A pre-hearing conference is scheduled for November 19, 2013 at 1:00 p.m.; and 3. An evidentiary hearing on these issues is scheduled beginning Tuesday, December 17, 2013, and continuing through Thursday, December 19, 2013 or as otherwise necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA, beginning at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

August 2, 2013

Defendant filed Acceptance of Service of Opinion and Order dated July 31, 2013. Receipt of same acknowledged August 1, 2013.

August 5, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated July 31, 2013. Receipt of same acknowledged August 2, 2013.

August 29, 2013

Plaintiff filed an Application for Determination of Finality or Alternatively, Amendment of the Board's July 31, 2013 Order to Permit Interlocutory Appeal and two proposed amending orders.

August 30, 2013

Board forwarded letter to parties requesting a response from Defendant as to its position on Plaintiff's application and for an indication from both parties if they would like to proceed with discovery.

September 6, 2013

Plaintiff filed a letter in response to the Board's request as to whether the parties wish to proceed with discovery.

September 6, 2013

Defendant filed a letter in response to the Board's request as to whether the parties wish to proceed with discovery.

September 6, 2013

Defendant filed a reply to Plaintiff's application for determination of finality or alternatively amendment of the Board's July 31, 2013 order to permit interlocutory appeal.

September 12, 2013

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 12th day of September, 2013, the Board's Order of July 31, 2013, is hereby amended to read as follows: **AND NOW**, this 31st day of July, 2013, upon consideration of the Defendants' preliminary objections to "Count I - Violation of 62 Pa. Cons. Stat. § 521" of Plaintiff's statement of claim, the Plaintiff's answer, the Defendants' reply, and the Plaintiff's sur-reply, it is **ORDERED** and **DECREED** that the preliminary objection for lack of subject matter jurisdiction pursuant to Pa. R.C.P. 1028(a)(1) to Count I is **SUSTAINED**. Count I is **DISMISSED** with prejudice. The parties are to proceed with and complete discovery related to the remaining issues raised by Defendants' preliminary objections to Counts II and III of the statement of claim. However, it is also the opinion of the Board that this Order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the Order may materially advance the ultimate termination of the matter. Therefore, immediate appeal to Commonwealth Court is hereby **PERMITTED**." Copy forwarded to Plaintiff and Defendant.

September 16, 2013

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

September 19, 2013

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

September 23, 2013

Defendant filed Notice of Service of Defendant's Answer to First Set of Interrogatories, Answer to First Set of Production of Documents, and Answer to Requests for Admission.

September 25, 2013

Defendant filed Notice of Service of Defendant's First Set of Interrogatories, First Request for Production of Documents & First Request for Admissions.

October 24, 2013

Plaintiff filed Petition for Permission to Appeal the Order of the Board of Claims Dated July 31, 2013 as Amended on September 12, 2013 as filed in Commonwealth Court.

October 30, 2013

Commonwealth Court issued Order. Order as follows: "NOW, October 25, 2013, upon consideration of petitioner's petition for permission to appeal and respondents' answer thereto, the petition is denied."

December 6, 2013

Defendants filed Parties' Joint Exhibit List as well as Defendants' Exhibit and Witness List for Evidentiary Hearing.

December 6, 2013

Plaintiff filed Plaintiff's Exhibit and Witness List.

December 17, 2013

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

December 18, 2013

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

January 9, 2014

Testimony of evidentiary hearing held December 17, 2013 filed.

January 10, 2014

Testimony of evidentiary hearing held December 18, 2013 filed. Last Day.

January 15, 2014

Board forwarded letter to parties requesting proposed findings of fact, conclusions of law and briefs.

January 17, 2014

Defendant filed Acceptance of Service of testimony dated January 15, 2014. Receipt of same acknowledged January 16, 2014.

February 12, 2014

Defendant transmitted via facsimile a letter requesting an extension of time until February 21, 2014 in which to file its Findings of Fact, Conclusions of Law and Supporting Brief. Plaintiff has consented to extension of time request.

February 12, 2014

Board forwarded letter to Defendant granting extension of time.

February 21, 2014

Defendant filed Proposed Findings of Fact, Conclusions of Law and Brief in Support of Preliminary Objections.

March 10, 2014

Plaintiff transmitted (via facsimile) a letter requesting a one week extension of time in which to file its findings of fact, conclusions of law and brief, and advising that Defendant agreed to the extension.

March 11, 2014

Board forwarded letter to Plaintiff, with copy to Defendant, granting a one week extension of time in which to file its findings of fact, conclusions of law and brief.

March 31, 2014

Plaintiff filed Proposed Findings of Fact, Conclusions of Law and Brief in Opposition to Preliminary Objections.

April 4, 2014

Defendant filed Reply to Plaintiff's Proposed Findings of Fact, Conclusions of Law and Brief.

April 21, 2014

Plaintiff filed Sur-Reply Brief in Opposition to Defendant's preliminary objections.

September 2, 2014

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 2nd day of September, 2014, upon consideration of the Respondents' preliminary objections to Counts II and III of SGI's Statement of Claim, SGI's answer, the Respondents' reply, SGI's sur-reply, and the evidence presented at hearings held December 17-18, 2013, it is hereby **ORDERED** and **DECREED** that the preliminary objections for lack of subject matter jurisdiction pursuant to 62 Pa. C.S. § 1724(a)(1) are **SUSTAINED**. Claimant's Statement of Claim (now comprised only of Counts II and III) is **DISMISSED** with prejudice." Copy forwarded to Plaintiff, Defendant and Attorney General.

September 4, 2014

Defendant filed Acceptance of Service of Opinion and Order dated September 2, 2014. Receipt of same acknowledged September 3, 2014.

September 5, 2014

Attorney General filed Acceptance of Service of Opinion and Order dated September 2, 2014. Receipt of same acknowledged September 3, 2014.

September 8, 2014

Plaintiff filed Acceptance of Service of Opinion and Order dated September 2, 2014. Receipt of same acknowledged September 7, 2014.
