

Docket Number: 4041

DANIEL DEITCHMAN AND LARRY L. HATTER

Theodore A. Adler, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF AUDITOR GENERAL

AND

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES

~~Michael Eichert, Chief Counsel~~
David L. Narkiewicz, Assistant Chief Counsel

May 29, 2012

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$337,847.88+.

May 29, 2012

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

June 5, 2012

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged May 31, 2012.

July 6, 2012

DGS filed a letter advising that all parties are requesting that the Board hold this matter in abeyance pending the administrative process that Plaintiff agreed to exhaust the administrative dispute resolution process set forth in the lease.

July 10, 2012

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 10th day of July, 2012, 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.

July 16, 2012

General Services filed Acceptance of Service of Opinion and Order dated July 10, 2012. Receipt of same acknowledged July 12, 2012.

July 16, 2012

Plaintiff filed Acceptance of Service of Opinion and Order dated July 10, 2012. Receipt of same acknowledged July 12, 2012.

July 23, 2012

Auditor General filed Acceptance of Service of Opinion and Order dated July 10, 2012. Receipt of same acknowledged July 13, 2012.

November 2, 2012

Defendants filed Answer and New Matter.

November 6, 2012

Board forwarded letter to Plaintiff requesting response to New Matter.

November 6, 2012

Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of November, 2012, it is hereby **ORDERED** and **DECREED** that the stay issued by the Board on July 10, 2012 is hereby lifted. The parties should proceed accordingly."

November 9, 2012

Plaintiff filed Reply to New Matter.

November 9, 2012

Board forwarded letter to parties directing parties to commence with discovery.

November 9, 2012

Plaintiff filed Acceptance of Service of Opinion and Order dated November 6, 2012. Receipt of same acknowledged November 7, 2012.

November 13, 2012

Defendant filed Acceptance of Service of Opinion and Order dated November 6, 2012. Receipt of same acknowledged November 7, 2012.

March 26, 2013

Plaintiff filed Motion for Summary Judgment as well as Brief in Support.

March 26, 2013

Board issued letter to Defendant requesting response to Motion for Summary Judgment.

April 24, 2013

Defendant filed a letter requesting an extension of time until May 10, 2013 in which to file Defendant's Response to Motion for Summary Judgment.

April 24, 2013

Board forwarded letter (both U.S. Mail and facsimile) to Defendant granting extension of time request.

May 10, 2013

Defendants filed Answer to Motion for Summary Judgment and Cross-Motion for Summary Judgment as well as Brief.

May 13, 2013

Board forwarded letter to Plaintiffs requesting response to Defendants' Cross-Motion for Summary Judgment.

May 13, 2013

Defendant filed corrected page 6 of Defendant's Answer to Motion for Summary Judgment and Cross-Motion for Summary Judgment without indication that Defendant served Plaintiff with this correction.

May 14, 2013

Plaintiffs filed letter requesting leave to file a Reply Brief to Defendants' Answer to Plaintiffs' Motion.

May 22, 2013

Plaintiff filed Answer to Cross-Motion for Summary Judgment and Brief.

June 4, 2013

Defendants filed letter requesting permission to file a short Reply Brief to Plaintiffs' Reply Brief.

June 4, 2013

Board forwarded letter to Defendants granting permission to file a reply brief to Plaintiffs' Reply Brief.

June 6, 2013

Defendants' filed Reply Brief to Plaintiffs' Reply Brief.

June 19, 2013

Board rendered Opinion and Order. Order as follows: **"AND NOW, this 19th day of June, 2013, upon consideration of the Plaintiffs' motion for summary judgment and the Defendants' cross-motion for summary judgment, IT IS ORDERED that both the motion and cross-motion are DENIED."** Copy forwarded to all parties of record.

June 21, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated June 19, 2013. Receipt of same acknowledged June 20, 2013.

June 24, 2013

Defendant filed Acceptance of Service of Opinion and Order dated June 19, 2013. Receipt of same acknowledged June 20, 2013.

September 18, 2013

Plaintiffs filed a Motion to Compel Answers to Interrogatories (Second Set) and Request for Production of Documents (Second Set) as well as proposed orders.

September 19, 2013

Board forwarded letter to Defendants requesting response to Motion to Compel.

October 17, 2013

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

October 21, 2013

Plaintiff filed letter requesting a pre-trial conference be scheduled in this matter for the purpose of moving toward a trial.

October 22, 2013

Plaintiff transmitted via facsimile a letter advising that the parties are available for a pre-trial conference on November 7, 2013 at 1:00 p.m.

October 22, 2013

Board forwarded letter to parties scheduling a pre-trial conference on November 7, 2013 at 1:00 p.m.

November 7, 2013

Board held pre-trial conference on November 7, 2013 at 1:00 p.m.

November 8, 2013

Board forwarded letter to Plaintiff requesting information regarding whether or not Plaintiff's Motion to Compel has been satisfied by Defendant's subsequent discovery production (with presumption of satisfaction if no response within 10 days).

November 25, 2013

Plaintiff's outstanding motion to compel presumed moot.

November 19, 2014

Plaintiff filed Praecipe to Discontinue.

November 20, 2014

Board rendered Order. Order as follows: "**AND NOW**, this 20th day of November, 2014, upon receipt of a praecipe executed by Theodore A. Adler, Esquire, on behalf of Plaintiffs, Daniel Deitchman and Larry L. Hatter, requesting that the Board mark the above-captioned matter settled and discontinued, docketed with this Board under date of November 19, 2014, 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.

November 25, 2014

Defendant filed Acceptance of Service of Order dated November 20, 2014. Receipt of same acknowledged November 21, 2014.

November 25, 2014

Plaintiff filed Acceptance of Service of Order dated November 20, 2014. Receipt of same acknowledged November 21, 2014.
