

Docket Number: 4042

SOFTWARE AG USA, INC.

Jan M. Tamanini, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF ADMINISTRATION**

Jullia A. Sheridan, Chief Counsel
Crystal Fox, Senior Counsel

June 13, 2012

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$680,000.00+.

June 14, 2012

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

June 19, 2012

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged June 18, 2012.

July 12, 2012

Defendant filed Motion for Enlargement of Time to file preliminary objections.

July 13, 2012

Plaintiff filed Motion to Admit Counsel Pro Hac Vice and Proposed Order. Counsel for Defendant has no objection.

July 16, 2012

Board forwarded a letter to Defendant, with copy to Plaintiff granting an extension of time until August 2, 2012 in which to file preliminary objections.

July 16, 2012

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 16th day of July, 2012, after review of Plaintiff's motion to admit Attorney R. Scott Caulkins to practice before this Board in this case pro hac vice, it is hereby **ORDERED** that: 1) Effective upon the date of this Order, R. Scott Caulkins shall be **ADMITTED** pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301 for the limited purpose of serving as co-counsel on behalf of Plaintiff in this matter; 2) R. Scott Caulkins, Esquire shall abide by all the rules of, and applicable to, practice before this Board, including applicable rules of the PA IOLTA Board and all attorney disciplinary rules; and 3) R. Scott Caulkins, Esquire shall immediately notify this Board of any matter affecting his compliance with the foregoing or his standing at the bar of any other court or jurisdiction where he may be admitted to practice. All correspondence with this Board shall continue to be accomplished through the Pennsylvania attorney of record." Copy forwarded to Plaintiff and Defendant.

August 2, 2012

Defendant filed Acceptance of Service of Opinion and Order dated July 16, 2012. Receipt of same acknowledged July 18, 2012.

August 2, 2012

Defendant filed preliminary objections and brief in support.

August 3, 2012

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

***August 23, 2012**

Plaintiff filed Amended Claim and proof of mailing. Amount of Claim: \$684,964+.

August 23, 2012

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

August 23, 2012

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 23rd day of August, 2012, the Preliminary Objections filed by the Defendant on August 2, 2012, are hereby **DENIED** as **MOOT**." Copy forwarded to Plaintiff and Defendant.

August 30, 2012

Attorney General filed Acknowledgment of Amended Claim form. Receipt of same acknowledged August 29, 2012.

September 20, 2012

Defendant filed preliminary objections to the amended claim and brief in support.

September 21, 2012

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

October 11, 2012

Plaintiff filed Motion for an extension of time to file a response to Defendant's preliminary objections.

***October 24, 2012**

Plaintiff filed Second Amended Statement of Claim.

October 25, 2012

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

October 25, 2012

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th day of October, 2012, the preliminary objections filed by the Defendant on September 20, 2012 to the amended claim are hereby **DENIED** as **MOOT**." Defendant shall have 30 days to respond to plaintiff's second amended statement of claim. Copy forwarded to Plaintiff and Defendant.

November 21, 2012

Defendant filed preliminary objections to the second amended claim and brief in support.

November 26, 2012

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

December 21, 2012

Plaintiff filed response to preliminary objections to the second amended claim, brief in support and proposed order.

February 6, 2013

Board forwarded letter to parties via facsimile requesting that counsel for Plaintiff and/or counsel for Defendant provide the Board with a paper copy of the Software Reseller Contract Number ITS14.

February 7, 2013

Board forwarded letter to parties via U.S. Mail requesting that counsel for Plaintiff and/or counsel for Defendant provide the Board with a paper copy of the Software Reseller Contract Number ITS14.

February 11, 2013

Plaintiff transmitted via fax a letter in response to the Board's letter dated February 6, 2013 requesting a paper copy of the Software Reseller Contract Number ITS14.

February 13, 2013

Plaintiff transmitted via fax a letter in response to the Board's letter dated February 6, 2013 attaching a paper copy of the Software Reseller Contract Number ITS14.

February 14, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 14th day of February, 2013, upon consideration of the preliminary objections filed by Office of Administration to the Second Amended Statement of Claim and the response of Software AG, **IT IS ORDERED** that the preliminary objections are **OVERRULED** and the motion to strike included therein is **DENIED**. The Office of Administration is directed to answer the Second Amended Complaint within 30 days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

February 14, 2013

Plaintiff transmitted via US mail a letter in response to the Board's letter dated February 6, 2013 attaching a paper copy of the Software Reseller Contract Number ITS14.

March 18, 2013

Defendant filed an Answer to Second Amended Statement of Claim and New Matter.

March 19, 2013

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

April 8, 2013

Plaintiff filed Reply to New Matter.

April 9, 2013

Board forwarded letter directing parties to proceed with discovery.

May 28, 2013

Plaintiff filed Notice of Service of First Request for Production of Documents.

May 31, 2013

Plaintiff filed Notice of Service of First Set of Interrogatories and Request for Entry on Property for Inspection.

June 20, 2013

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

June 24, 2013

Defendant filed Notice to Plead, Motion for Protective Order and brief in support.

June 25, 2013

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

July 24, 2013

Defendant filed a letter advising that the parties have been in settlement discussions and requesting the Board allow Defendant to withdraw its motion or protective order which was filed July 24, 2013.

July 24, 2013

Board forwarded letter to parties advising them that Defendant's motion for protective order is considered withdrawn.

August 8, 2013

Plaintiff filed Motion to Compel the Office of Administration to Permit Inspection and Brief in Support.

August 9, 2013

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

September 9, 2013

Plaintiff transmitted via facsimile a letter advising that parties have reached an agreement to stay Defendant's response to Plaintiff's Motion to Compel due to the parties working on an agreement that would render the motion moot.

September 9, 2013

Board forwarded a letter to the parties advising that the Defendant's response to Plaintiff's motion to compel is extended until the Plaintiff notifies the Board the parties are unable to agree to final inspection terms or sends a letter to the Board requesting withdrawal of the motion.

December 30, 2013

Plaintiff filed Joint Praecipe to Discontinue.

December 31, 2013

Board rendered Praecipe Order. Order as follows: **"AND NOW,** this 31st day of December, 2013, upon receipt of a Praecipe executed by Jan M. Tamanini, Esquire, on behalf of Plaintiff, Software AG USA, Inc. and Crystal Fox, Senior Counsel, on behalf of Defendant, Governor's Office of Administration, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of December 30, 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.

January 8, 2014

Defendant filed Acceptance of Service of Order dated December 31, 2013. Receipt of same acknowledged January 7, 2014.
