

Docket Number: 4066

JEM Hardwoods, LLC

Paul J. Bruder, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Game Commission**

Bradley C. Bechtel, Esquire

January 8, 2013

Plaintiff filed Claim and filing fee.

January 9, 2013

Plaintiff filed Proof of Mailing. Amount of Claim: \$300.00+

January 10, 2013

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

February 1, 2013

Defendant filed Answer to Claim.

February 1, 2013

Board forwarded letter directing parties to commence with discovery.

January 25, 2013

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General January 18, 2013.

March 27, 2013

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

May 6, 2013

Plaintiff filed Notice of Service of Depositions.

August 5, 2013

Parties filed a joint Status Report.

August 5, 2013

Board forwarded letter to parties requesting scheduling information.

August 16, 2013

Plaintiff filed a joint proposed scheduling order.

September 13, 2013

Board rendered Scheduling Order. Order as follows: **"AND NOW**, this 13th day of September, 2013, it is hereby **ORDERED** and **DECREED** as follows: 1. All discovery, including exchange of any expert reports, shall be completed by October 18, 2013; 2. The last day for filing pre-trial motions is November 1, 2013; 3. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than December 2, 2013 (Please note BOC R.P. 501(b) and (c)(3)); 4. A pre-trial conference is scheduled for Wednesday, December 11, 2013 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 5. This matter is set for hearing beginning on Wednesday, January 15, 2014 and running through Thursday, January 16, 2014, or as otherwise 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.

September 17, 2013

Defendant filed Acceptance of Service of Order dated September 13, 2013. Receipt of same acknowledged September 16, 2013.

November 1, 2013

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

November 4, 2013

Board forwarded letter to Defendant requesting response to Motion for Partial Summary Judgment.

November 4, 2013

Plaintiff filed Praecipe to Substitute Affidavit.

November 7, 2013

Board rendered an Amended Scheduling Order. Order as follows: "AND NOW, this 7th day of November, 2013, it is hereby **ORDERED** and **DECREED** that the pre-trial conference originally scheduled for Wednesday, December 11, 2013 at 1:00 p.m. has been rescheduled for Monday, December 16, 2013 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101. All other dates and times set forth in the original Scheduling Order remain intact." Copy forwarded to Plaintiff and Defendant.

November 13, 2013

Plaintiff filed Acceptance of Service of Amended Scheduling Order dated November 7, 2013. Receipt of same acknowledged November 8, 2013.

November 19, 2013

Board forwarded Notice of Settlement Conference.

November 26, 2013

Defendant filed Response to Motion for Partial Summary Judgment and Brief.

November 27, 2013

Board rendered an Amending Scheduling Order. Order as follows: "AND NOW, this 27th day of November, 2013, it is hereby **ORDERED** and **DECREED** that the hearing originally scheduled to begin January 15, 2014 at 9:30 a.m. has been rescheduled to begin Tuesday, February 4, 2014 at 9:30 a.m. and run through Wednesday, February 5, 2014 or as necessary. Said hearing shall

be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101. All other dates and times set forth in the previous scheduling orders remain intact." Copy forwarded to Plaintiff and Defendant.

December 2, 2013

Defendant filed Pre-trial Statement.

December 2, 2013

Plaintiff transmitted via facsimile a letter requesting leave to file a reply brief to the Motion for Summary Judgment on or before December 13, 2013 as well as proposed order.

December 2, 2013

Board forwarded letter (via facsimile and U.S. Mail) granting Plaintiff leave to file reply brief on or before December 11, 2013.

December 2, 2013

Plaintiff filed Pre-hearing memorandum.

December 3, 2013

Plaintiff filed Acceptance of Service of Amending Scheduling Order dated November 27, 2013. Receipt of same acknowledged December 2, 2013.

December 11, 2013

Plaintiff filed Reply Brief in Support of Motion for Partial Summary Judgment.

December 16, 2013

Board held pre-trial conference on December 16, 2013 at 1:00 p.m.

December 24, 2013

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 24th day of December, 2013, upon consideration of plaintiff's motion for partial summary judgment, defendant's response and plaintiff's reply, **IT IS ORDERED** that the motion is **DENIED."** Copy forwarded to Plaintiff and Defendant.

December 30, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated December 24, 2013. Receipt of same acknowledged December 27, 2013.

January 15, 2014

Defendant filed Acceptance of Service of Opinion and Order dated December 24, 2013. Receipt of same acknowledged January 10, 2014.

January 17, 2014

Plaintiff requested via telephone Subpoenas 234.1 - to attend with duces tecum.

January 17, 2014

Board forwarded Subpoenas 234.1 - to attend with duces tecum dated January 17, 2014 to Plaintiff.

January 21, 2014

Plaintiff forwarded a copy of a claim to the contract officer in accordance with the Pennsylvania Procurement Code.

January 24, 2014

Plaintiff filed Supplemental Pre-Hearing Memorandum to Revise List of Potential Exhibits.

February 4, 2014

Board held hearing on February 4, 2014 at 9:30 a.m. CASE COMPLETE

February 25, 2014

Testimony of hearing held February 4, 2014 filed. Last Day

February 25, 2014

Board forwarded copy of testimony of hearing held February 4, 2014 to Defendant. (Last Day)

March 6, 2014

Defendant filed Acceptance of Service of Testimony of hearing held February 4, 2014 dated February 25, 2014. Receipt of same acknowledged February 28, 2014.

March 26, 2014

Plaintiff filed Post-Hearing Brief.

April 30, 2014

Defendant transmitted via facsimile a letter requesting an extension of time until May 9, 2014 in which to file its Findings of Fact, Conclusions of law and Brief.

May 1, 2014

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

May 8, 2014

Defendant filed Proposed Findings of Fact, Conclusions of Law and Post- Hearing Brief.

May 28, 2014

Plaintiff filed Reply Brief to Defendant's Post Hearing Brief.

November 25, 2014

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 25th day of November, 2014, it is **ORDERED, ADJUDGED** and **DECREED** that judgment is entered in favor of the respondent, Commonwealth of Pennsylvania, Pennsylvania Game Commission, and against the claimant, JEM Hardwoods, LLC. No award is made to JEM Hardwoods, LLC on the claim in this matter. Each party shall bear its own costs and attorneys' fees." Copy forwarded to Plaintiff, Defendant and Attorney General.

December 5, 2014

Attorney General filed Acceptance of Service of Opinion and Order dated November 25, 2014. Receipt of same acknowledged December 2, 2014.

December 18, 2014

Defendant filed Acceptance of Service of Opinion and Order dated November 25, 2014. Receipt of same acknowledged December 2, 2014.
