

Docket Number: 4075

BURCHICK CONSTRUCTION COMPANY, INC.

Gerard J. Cipriani, Esquire
David A. Scotti, Esquire
Jennifer M. Swistak, Esquire

VS.

**COMMONWEALTH SYSTEM OF HIGHER EDUCATION,
UNIVERSITY OF PITTSBURGH**

~~Jerome Cochran, General Counsel~~
~~Alan A. Garfinkel, Sr. Legal Counsel~~
James R. Mall, Esquire
Chad I. Michaelson, Esquire

February 22, 2013

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$1,252,902.00+.

February 25, 2013

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

February 27, 2013

Board reissued corrected Acknowledgment letter.

March 6, 2013

Attorney General filed letter advising it was returning the complaint and acknowledgment letter due to lack of statutory authority.

March 25, 2013

Plaintiff filed Agreement to Extend Time for Defendant to file their response to Plaintiff's Claim until July 22, 2013 executed by all parties of record.

March 25, 2013

Board forwarded letter granting extension until July 22, 2013 for Defendant's response to Plaintiff's Claim.

July 19, 2013

Defendant transmitted via facsimile Entry of Appearance of James R. Mall, Esquire, Chad I. Michaelson, Esquire and Meyer, Unkovi & Scott LLP on behalf of Defendant.

August 2, 2013

Defendant filed Answer and New Matter to Statement of Claim.

August 5, 2013

Board forwarded letter to Plaintiff requesting response to New Matter.

August 5, 2013

Defendant filed copy of Answer and New Matter to Statement of Claim.

August 5, 2013

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

August 5, 2013

Board forwarded four Subpoenas 234.1 - to attend with duces tecum dated August 5, 2013 to Plaintiff.

August 15, 2013

Plaintiff filed a Notice of Service of Request for Production of Documents directed to Defendant.

August 16, 2013

Plaintiff filed a Notice of Service of a subpoena to attend and testify and notice of deposition.

August 28, 2013

Plaintiff filed Reply to New Matter.

August 29, 2013

Board forwarded letter directing parties to proceed with discovery.

October 23, 2013

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

October 23, 2013

Board forwarded five Subpoenas 234.1 - to attend with duces tecum dated October 23, 2013 to Plaintiff.

October 31, 2013

Plaintiff filed Motion to Compel Production of Documents from Mascaro Corporation and Proposed Order.

October 31, 2013

Plaintiff filed Motion to Compel Production of Documents from Defendant and Proposed Order.

October 31, 2013

Board forwarded letter to Plaintiff, with copy to Defendant, requesting a brief in support.

October 31, 2013

Board forwarded letter to Defendant, with copy to Plaintiff, requesting a response to Plaintiff's Motion to Compel Production of Documents from Mascaro Corporation.

October 10, 2013

Board forwarded letter to Plaintiff, with copy to Defendant, requesting a brief in support of its motion.

November 1, 2013

Plaintiff filed Notice of Service of a Subpoena to Attend and Testify (with duces tecum) and Notice of Deposition.

November 8, 2013

Plaintiff requested via telephone six Subpoenas 4009.21 - to produce documents.

November 8, 2013

Board forwarded six Subpoenas 4009.21 - to produce documents dated November 8, 2013 to Plaintiff.

November 8, 2013

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

November 8, 2013

Board forwarded four Subpoenas 234.1 - to attend with duces tecum dated November 8, 2013 to Plaintiff.

November 12, 2013

Plaintiff filed Motion to Compel Production of Documents from Mascaro Corporation, Brief in Support and Proposed Order.

November 12, 2013

Board forwarded letter to Defendant and Mascaro requesting response to Motion to Compel.

November 12, 2013

Board forwarded letter to Defendant, with copy to Plaintiff requesting a response to Plaintiff's Motion to Compel.

November 12, 2013

Plaintiff filed Notice of Service of a subpoena to attend and testify and Notice of Deposition directed to Utkarsh Ghildyal, c/o Renaissance 3 Architects, P.C.

November 20, 2013

Plaintiff filed Notice of Service of a subpoena to attend and testify and Notice of Deposition directed to Alliance Fire Protection.

November 20, 2013

Plaintiff filed Notice of Service of a subpoena to attend and testify and Notice of Deposition directed to Lighthouse Electric.

November 20, 2013

Plaintiff filed Notice of Service of a subpoena to attend and testify and Notice of Deposition directed to Stringert, Inc.

November 20, 2013

Plaintiff filed Notice of Service of a subpoena to attend and testify and Notice of Deposition directed to Southwest Aluminum & Glass Company.

November 20, 2013

Plaintiff filed Notice of Service of a subpoena to attend and testify and Notice of Deposition directed to SSM Industries.

November 25, 2013

Plaintiff filed Notice of Service of an Amended Deposition directed to Colin Gibbons, c/o Mascaro Construction Company, L.P.

December 10, 2013

Defendant transmitted via facsimile a letter on behalf of the parties requesting a 30 day extension of time for Defendant and Mascaro to file responses to Plaintiff's Motions to Compel Production of Documents.

December 11, 2013

Board forwarded letter to Defendant and Mascaro granting 30 day extension of time.

December 12, 2013

Defendant filed via U.S. Mail a letter on behalf of the parties requesting a 30 day extension of time for Defendant and Mascaro to file responses to Plaintiff's Motions to Compel Production of Documents.

January 16, 2014

Plaintiff filed a letter advising that the parties are working together to complete the production of documents and therefore withdraws its motions to compel.

February 21, 2014

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

February 21, 2014

Defendant filed Notice of Service of Respondent's First Interrogatories.

February 24, 2014

Plaintiff filed a letter advising that the pleadings are closed and the parties have agreed to participate in a teleconference and request that the Board schedule one during the week of March 3 - March 7, 2014.

February 25, 2014

Board forwarded letter to parties requesting proposed scheduling information.

March 10, 2014

Defendant transmitted via facsimile a letter with scheduling information.

March 12, 2014

Plaintiff filed scheduling information and proposed scheduling order as well as an alternative scheduling order.

March 12, 2014

Defendant filed via U.S. Mail a letter with scheduling information.

March 21, 2014

Board held a telephone conference at 3:15 p.m.

March 25, 2014

Board scheduled a telephone conference for Thursday, March 26, 2014 at 1:30 p.m.

March 26, 2014

Board held a telephone conference at 1:30 p.m.

March 28, 2014

Plaintiff filed a letter requesting that the Board transfer this case to the Court of Common Pleas of Allegheny County.

April 2, 2014

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 2nd day of April, 2014, it is **ORDERED** and **DECREED** that, pursuant to 42 Pa. C.S. § 5103(a) and Pa. R.C.P. 213(f), this matter and the record thereof is hereby **TRANSFERRED** to the Court of Common Pleas of Allegheny County, Pennsylvania." Copy forwarded to Plaintiff and Defendant.

April 2, 2014

Board forwarded certified docket sheet and complete record from the Board of Claims to Court of Common Pleas Allegheny County.
