

Docket Number: 4077

**FREY LUTZ CORP.**

Timothy J. Woolford, Esquire  
~~Ciara C. Young, Esquire~~  
Bradley N. Sprout, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES**

Andrew S. Gordon, Chief Counsel  
Harry R. Walter, III, Assistant Counsel

VS.

**\*STV ARCHITECTS**

Kenneth W. Lee, Esquire

**March 14, 2013**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$500,000+.

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**March 14, 2013**

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

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**March 19, 2013**

Attorney General filed acknowledgment of claim form. Receipt of same acknowledged March 19, 2013.

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**April 15, 2013**

Defendant filed preliminary objections to statement of claim and brief in support.

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**April 16, 2013**

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

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**May 15, 2013**

Plaintiff filed response to preliminary objections and memorandum of law in opposition.

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**May 21, 2013**

Plaintiff transmitted via facsimile a letter requesting that a telephonic status conference be held.

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**May 22, 2013**

Plaintiff filed via U.S. mail a letter requesting that a telephonic status conference be held.

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**May 23, 2013**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 23<sup>rd</sup> day of May, 2013, upon consideration of Defendant's preliminary objections to Plaintiff's Complaint and Plaintiff's response in opposition to the preliminary objections, the preliminary objections are **OVERRULED**. Defendant is **ORDERED** to file its Answer and New Matter to the Complaint within 30 days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

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**May 28, 2013**

Defendant filed Acceptance of Service of Opinion and Order dated May 23, 2013. Receipt of same acknowledged May 24, 2013.

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**May 29, 2013**

Plaintiff filed Acceptance of Service of Opinion and Order dated May 23, 2013. Receipt of same acknowledged May 24, 2013.

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**June 3, 2013**

Board forwarded letter to parties requesting scheduling information.

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**June 4, 2013**

Defendant filed proposed scheduling order.

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**\*June 12, 2013**

Defendant filed Complaint to Join Additional Defendant, STV Architects.

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**June 12, 2013**

Board issued Acknowledgment letter and forwarded a copy of the Complaint to Join Additional Defendant to Attorney General.

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**June 18, 2013**

Plaintiff transmitted via fax proposed scheduling information.

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**June 18, 2013**

Board forwarded letter to parties advising that the Board will await resolution of additional pleadings and seek scheduling input from STV before setting a hearing.

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**June 18, 2013**

Plaintiff filed via U.S. mail proposed scheduling information.

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**June 18, 2013**

Attorney General filed Acknowledgment of Complaint to Join Additional Defendant form. Receipt of same acknowledged June 14, 2013.

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**June 20, 2013**

Defendant filed Answer and New Matter to Claim and a Counterclaim.

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**June 21, 2013**

Board forwarded letter to Plaintiff, with copy to all other parties, requesting a response to new matter and counterclaim.

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**July 10, 2013**

Plaintiff filed answer to Defendant's new matter and counterclaim.

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**August 2, 2013**

Defendant filed an Amended Complaint to Join Additional Defendant - STV Architects.

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**\*August 5, 2013**

Board issued Acknowledgment letter and forwarded a copy of the Amended Complaint to Join Additional Defendant - STV Architects to Attorney General.

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**August 12, 2013**

Attorney General filed acknowledgment of amended complaint to join additional defendant form. Receipt of same acknowledged August 8, 2013.

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**October 15, 2013**

STV filed preliminary objections to amended complaint to join additional respondent and brief in support.

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**October 16, 2013**

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

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**October 25, 2013**

Defendant filed preliminary objections to STV's preliminary objections to Defendant's amended complaint to join additional defendant and brief in support.

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**October 28, 2013**

Board forwarded letter to STV, with copy to all other parties, advising of the rules for filing responses/briefs.

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**November 18, 2013**

STV filed Brief in Opposition to Defendant's Preliminary Objections to STV's Preliminary Objections to the Amended Complaint to Join Additional Defendant.

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**November 26, 2013**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 26<sup>th</sup> day of November, 2013, upon consideration of the Preliminary Objections to Preliminary Objections filed by the Department of General Services and the Brief in Opposition filed by STV Architects, **IT IS ORDERED** that the DGS preliminary objections to the STV preliminary objections are **OVERRULED**. **IT IS FURTHER ORDERED** that the Department of General Services is to respond to the Preliminary Objections by STV Architects within 30 days of the exit date of this Order." Copy forwarded to all parties of record.

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**December 2, 2013**

Defendant filed Acceptance of Service of Opinion and Order dated November 26, 2013. Receipt of same acknowledged November 27, 2013.

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**December 2, 2013**

STV filed Acceptance of Service of Opinion and Order dated November 26, 2013. Receipt of same acknowledged November 26, 2013.

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**December 2, 2013**

Plaintiff filed Acceptance of Service of Opinion and Order dated November 26, 2013. Receipt of same acknowledged November 27, 2013.

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**December 12, 2013**

Plaintiff transmitted via facsimile a letter requesting that the Board require the parties to submit proposed scheduling information.

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**December 13, 2013**

Plaintiff filed via U.S. mail a letter requesting that the Board require the parties to submit proposed scheduling information.

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**December 26, 2013**

Defendant filed Answer to preliminary objections to amended complaint to join additional defendant and brief in support.

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**January 7, 2014**

STV Architects filed a Reply to Defendant's brief in support of the answer to preliminary objections to amended complaint to join additional respondent.

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**February 6, 2014**

Board forwarded Opinion and Order. Order as follows: **"AND NOW,** this 6<sup>th</sup> day of February 2014, upon consideration of the preliminary objections filed by STV Architects to the Amended Joinder Complaint and the opposition to the preliminary objections filed by the Department of General Services, **IT IS ORDERED** that the preliminary objection based on lack of specificity is **SUSTAINED** and the Amended Joinder Complaint is **DISMISSED**. **IT IS FURTHER ORDERED** that the Department of General Services is granted 30 days to file an amended pleading." Copy forwarded to all parties of record.

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**February 11, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated February 6, 2014. Receipt of same acknowledged February 7, 2014.

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**February 11, 2014**

Defendant filed Acceptance of Service of Opinion and Order dated February 6, 2014. Receipt of same acknowledged February 10, 2014.

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**February 12, 2014**

STV filed Acceptance of Service of Opinion and Order dated February 6, 2014. Receipt of same acknowledged February 7, 2014.

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**March 11, 2014**

Defendant filed a Second Amended Complaint to Join Additional Defendant - STV Architects.

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**March 12, 2014**

Board issued Acknowledgment letter and forwarded a copy of the Second Amended Complaint to Join Additional - STV Architects Defendant to Attorney General.

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**March 26, 2014**

Attorney General filed acknowledgment of second amended complaint to join additional defendant. Receipt of same acknowledged March 18, 2014.

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**April 2, 2014**

Plaintiff filed Praecipe to Withdraw and Entry of Appearance withdrawing appearance of Ciara C. Young, Esquire and entering appearance of Timothy J. WOolford, Esquire on behalf of Plaintiff.

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**April 10, 2014**

STV filed preliminary objections to second amended complaint to join additional respondent and brief in support.

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**April 11, 2014**

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

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**May 12, 2014**

Defendant filed answer to preliminary objections to second amended complaint to join additional respondent and brief in support.

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**May 22, 2014**

STV filed Reply Brief to Brief of Defendant.

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**May 30, 2014**

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 30<sup>th</sup> day of May, 2014, upon consideration of the preliminary objections filed by STV Architects to the Second Amended Joinder Complaint and the opposition to the preliminary objections filed by the Department of General Services, it is **ORDERED** that the preliminary objections are **OVERRULED**. STV Architects are **ORDERED** to file an answer to the Second Amended Joinder Complaint within 30 days of the exit date of this Order." Copy forwarded to all parties of record.

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**June 3, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated May 30, 2014. Receipt of same acknowledged June 2, 2014.

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**June 10, 2014**

STV filed Acceptance of Service of Opinion and Order dated May 30, 2014. Receipt of same acknowledged June 2, 2014.

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**June 10, 2014**

Defendant filed Acceptance of Service of Opinion and Order dated May 30, 2014. Receipt of same acknowledged June 3, 2014.

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**July 10, 2014**

STV filed Answer, New Matter, Counterclaim and Cross-claim to Second Amended Complaint to Join Additional Respondent.

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**July 11, 2014**

Board forwarded letter to Plaintiff and Defendant requesting response to Answer, New Matter, Counterclaim and Cross-claim.

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**July 16, 2014**

Attorney General filed Acknowledgement of Answer, New Matter, Counterclaim and Cross-claim dated July 11, 2014. Receipt of same acknowledged on July 14, 2014.

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**July 21, 2014**

Plaintiff filed Answer to STV Architects' Cross-claim.

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**July 30, 2014**

DGS filed Answer to STV's New Matter.

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**July 30, 2014**

DGS filed Preliminary Objections to STV's Counterclaim and Brief in Support.

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**July 31, 2014**

Board forwarded letter to STV requesting response to Preliminary Objections.

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**September 2, 2014**

STV filed letter advising that Defendant has granted STV an extension of time until September 5, 2014, in which to file its response to STV's Defendant's preliminary objections.

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**September 3, 2014**

Board forwarded letter to STV, with copy to Plaintiff and Defendant, granting an extension of time until September 5, 2014, in which to file its response to STV's Defendant's preliminary objections.

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**September 5, 2014**

STV filed Answer to Defendant's preliminary objections to STV's counterclaim and brief in opposition.

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**September 25, 2014**

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 25<sup>th</sup> day of September, 2014, upon consideration of the preliminary objections filed by DGS to the STV Counterclaim and the opposition of STV, it is **ORDERED** and **DECREED** that the preliminary objection for legal insufficiency (demurrer) is **SUSTAINED**. STV's Counterclaim against DGS is **DISMISSED**." Copy forwarded to all parties of record.

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**September 25, 2014**

Board forwarded letter to parties directing them to proceed with discovery.

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**September 30, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated September 25, 2014. Receipt of same acknowledged September 26, 2014.

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**October 1, 2014**

DGS filed Acceptance of Service of Opinion and Order dated September 25, 2014. Receipt of same acknowledged September 29, 2014.

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**October 6, 2014**

Plaintiff filed letter requesting the Board issue a Scheduling Order in this matter and provided the Board with proposed scheduling dates.

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**October 6, 2014**

STV filed Acceptance of Service of Opinion and Order dated September 25, 2014. Receipt of same acknowledged September 26, 2014.

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**October 6, 2014**

STV filed Motion for Reconsideration of the Board's Order Sustaining Preliminary Objections of DGS to STV's Counterclaim and Brief in Support.

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**October 7, 2014**

Board forwarded letter to parties requesting scheduling information.

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**October 8, 2014**

Board forwarded letter to Defendant, with copy to all parties, requesting a response to STV's motion.

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**October 21, 2014**

DGS filed Brief in Opposition to Motion for Reconsideration.

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**October 21, 2014**

DGS filed letter requesting the Board to schedule a hearing.

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**October 22, 2014**

STV filed Reply to Brief in Opposition of DGS to Motion for Reconsideration.

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**October 22, 2014**

STV filed a letter requesting a scheduling order and/or conference.

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**October 23, 2014**

Plaintiff transmitted via facsimile a proposed scheduling order.

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**October 24, 2014**

Plaintiff filed via U.S. mail a proposed scheduling order.

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**October 31, 2014**

Board rendered an Order. Order as follows: "**AND NOW**, this 31st day of October, 2014, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to the other parties is July 10, 2015; 2. The last day for expert reports from defendant or additional defendant, if any, to be provided to the other parties is August 11, 2015; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by September 11, 2015; 4. The last day for filing pre-trial motions is September 18, 2015; 5. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than October 26, 2015 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Thursday, October 29, 2015 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Tuesday, December 1, 2015 and running through Friday, December 11, 2015, 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 all parties of record.

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**November 3, 2014**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 3<sup>rd</sup> day of November, 2014, upon consideration of STV's Motion for Reconsideration and DGS's preliminary objections to the STV Counterclaim as well as all briefs filed by the parties on the issues presented, it is **ORDERED** and **DECREED** that: 1) The Motion for Reconsideration is **GRANTED**; and 2) The Board's Opinion and Order dated September 25, 2014 is: **a. AFFIRMED** with respect to its ruling on the inapplicability of the CASPA to STV's Counterclaim; **b. VACATED** with respect to its ruling on the inapplicability of the PPA to design professionals; and **c. AMENDED** to find that the PPA applies to design professionals but that DGS's preliminary objection for legal insufficiency (demurrer) is **SUSTAINED** and the STV Counterclaim against DGS is **DISMISSED**." Copy forwarded to all parties of record.

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**November 4, 2014**

Defendant filed Acceptance of Service of Scheduling Order dated October 31, 2014. Receipt of same acknowledged November 3, 2014.

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**November 5, 2014**

Defendant filed Acceptance of Service of Opinion and Order dated November 3, 2014. Receipt of same acknowledged November 4, 2014.

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**November 6, 2014**

Plaintiff filed Acceptance of Service of Scheduling Order dated October 31, 2014. Receipt of same acknowledged November 3, 2014.

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**November 7, 2014**

STV filed Acceptance of Service of Scheduling Order dated October 31, 2014. Receipt of same acknowledged November 3, 2014.

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**November 7, 2014**

STV filed Acceptance of Service of Opinion and Order dated November 3, 2014. Receipt of same acknowledged November 5, 2014.

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**November 13, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated November 3, 2014. Receipt of same acknowledged November 4, 2014.

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**November 26, 2014**

STV filed an Application to Amend Board's Order of November 3, 2014.

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**December 9, 2014**

Plaintiff filed Response in Opposition to Application to Amend Board's Order of November 3, 2014.

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**December 10, 2014**

Board rendered Opinion and Order. Order as follows: **"AND NOW, this 10<sup>th</sup> day of December 2014, upon consideration of the Application to Amend the Board's Order of November 3, 2014 by STV Architects, IT IS ORDERED that the Application is DENIED."** Copy forwarded to all parties of record.

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**December 15, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated December 10, 2014. Receipt of same acknowledged December 11, 2014.

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**December 15, 2014**

Defendant filed Acceptance of Service of Opinion and Order dated December 10, 2014. Receipt of same acknowledged December 11, 2014.

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**December 18, 2014**

STV filed Acceptance of Service of Opinion and Order dated December 10, 2014. Receipt of same acknowledged December 12, 2014.

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**December 29, 2014**

STV filed Petition for Review of Board's Order dated December 10, 2014 as filed in Commonwealth Court.

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**January 20, 2015**

Commonwealth Court filed an order. Order as follows: **"NOW, January 15, 2015, upon consideration of petitioner's petition for review, which was filed pursuant to Pa. R.A.P. 341(a) and the note to Pa. R.A.P. 1311 because the Board of Claims failed to certify the order pursuant to Pa. R.A.P. 341(c) or 42 Pa. C.S. §702(b), and the answers thereto, and it appearing that the failure of the Board of Claims to certify the interlocutory order for immediate appeal is not so egregious as to justify prerogative appellate correction of the exercise of discretion, the petition for review is denied."**

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**February 5, 2015**

Plaintiff requested via telephone one Subpoena 4009.21 - to produce documents.

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**February 5, 2015**

Board forwarded one Subpoena 4009.21 - to produce documents dated February 5, 2015 to Plaintiff.

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**March 9, 2015**

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

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**April 16, 2015**

Defendant filed Notice of Service of Answers to Claimant's Interrogatories and Answers to Claimant's Request for Production of Documents.

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**May 21, 2015**

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

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**May 26, 2015**

Board forwarded three Subpoenas 234.1 - to attend with duces tecum dated May 26, 2015 to Plaintiff.

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**June 25, 2015**

Defendant filed Notice of Service of Interrogatories and Request for Production of Documents served upon Bradley N. Sprout, Esquire.

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**July 9, 2015**

Plaintiff filed Uncontested Motion to Extend Expert Report Deadlines and Proposed Order.

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**July 10, 2015**

Board rendered Order. Order as follows: "AND NOW, this 10<sup>th</sup> day of July 2015, upon consideration of Frey Lutz Corp.'s Uncontested Motion to Extend Expert Report Deadlines, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED**. The expert report deadlines set forth in the Board's October 31, 2014 Scheduling Order are amended as follows: July 31, 2015: Plaintiff's expert report to be produced to other parties; and September 1, 2015: Defendant's or Additional Defendant's expert reports to be produced to other parties. All other deadlines in the Board's Order of October 31, 2014 remain unchanged." Copy forwarded to all parties of record.

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**July 13, 2015**

Plaintiff filed Notice of Service of Notice of Deposition - Richard Smith, Notice of Deposition - Peter Merlo and Subpoena to Attend and Testify - Lewis Newpher.

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**July 14, 2015**

Defendant filed Acceptance of Service of Order dated July 10, 2015. Receipt of same acknowledged July 13, 2015.

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**July 16, 2015**

Plaintiff filed Acceptance of Service of Order dated July 10, 2015. Receipt of same acknowledged July 14, 2015.

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**July 28, 2015**

STV filed Acceptance of Service of Order dated July 10, 2015. Receipt of same acknowledged July 14, 2015.

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**August 3, 2015**

Plaintiff filed Notice of Service of Plaintiff's Responses to Defendant's First Set of Interrogatories and Requests for Production of Documents and Plaintiff's expert report.

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**August 11, 2015**

Plaintiff filed Motion to Compel Depositions of STV Architects' Witnesses and Proposed Order.

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**August 11, 2015**

Board forwarded letter via facsimile & U.S. Mail to STV, with copy to all other parties, requesting a response to motion to compel depositions by August 18, 2015.

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**August 11, 2015**

STV filed letter regarding Board's letter of August 11, 2015 directing STV to file response to Motion to Compel Depositions.

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**August 13, 2015**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 13<sup>th</sup> day of August, 2015, STV it is hereby **ORDERED** and **DECREED** as set forth below. STV shall produce Robert Darlington and John Kusznir for deposition on August 26, 2015; August 28, 2015 or at some other date mutually agreeable to all parties on or before September 11, 2015. If counsel for STV will be representing Mr. Sanders at deposition, he shall be produced for deposition on August 26, 2015; August 28, 2015 or at some other date mutually agreeable to all parties on or before September 11, 2015. If counsel for STV will not be representing Mr. Sanders at deposition, said counsel shall provide to counsel for Plaintiff, Mr. Sanders' address and phone number where he may be reached within the next five business days and Plaintiff shall seek Mr. Sanders deposition as appropriate pursuant to the Pennsylvania Rules of Civil Procedure. The depositions noticed by STV may proceed at times mutually agreeable to all parties so as to be completed on or before September 11, 2015." Copy forwarded to all parties of record.

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**August 14, 2015**

STV transmitted via facsimile a letter regarding the Board's Opinion and Order dated August 13, 2015.

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**August 14, 2015**

Plaintiff transmitted via facsimile a letter in response to STV's letter dated August 13, 2015.

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**August 17, 2015**

Plaintiff transmitted via facsimile acceptance of service of Opinion and Order dated August 13, 2015. Receipt of same acknowledged August 14, 2015.

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**August 17, 2015**

STV filed via U.S. mail a letter regarding the Board's Opinion and Order dated August 13, 2015.

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**August 17, 2015**

Plaintiff filed via U.S. mail a letter in response to STV's letter dated August 13, 2015.

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**August 19, 2015**

STV filed Acceptance of Service of Opinion and Order dated August 13, 2015. Receipt of same acknowledged August 13, 2015.

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**August 24, 2015**

Defendant filed Acceptance of Service of Opinion and Order dated August 13, 2015. Receipt of same acknowledged August 20, 2015.

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**August 26, 2015**

Defendant transmitted letter via facsimile requesting a teleconference to discuss timing issues regarding DGS's counterclaim.

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**August 26, 2015**

Board forwarded letter to parties (via Facsimile & U.S. Mail) scheduling teleconference for August 27, 2015 at 1:00 p.m.

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**August 27, 2015**

Board held teleconference on August 27, 2015 at 1:00 p.m.

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**August 31, 2015**

Defendant filed Praecipe to Discontinue DGS's counterclaim against Frey Lutz Corp. without prejudice.

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**September 1, 2015**

Board rendered Order. Order as follows: "**AND NOW**, this 1<sup>st</sup> day of September, 2015, upon receipt of a Praecipe executed by Harry R. Walter, III, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services, requesting that the Board withdraw the counterclaim filed by DGS against Frey Lutz, Corp. in the above-captioned case without prejudice, docketed with this Board under date of August 31, 2015, it is **ORDERED** and **DIRECTED** that the above-referenced counterclaim of the Commonwealth of Pennsylvania, Department of General Services against Frey Lutz, Corp. be **WITHDRAWN** without prejudice. The remaining claims shall continue as active claims before the Board." Copy forwarded to all parties of record.

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**September 2, 2015**

Defendant filed a letter (via U.S. mail) requesting a teleconference be scheduled to discuss a number of timing issues DGS's counterclaim.

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**September 3, 2015**

Defendant filed Acceptance of Service of Order dated September 1, 2015. Receipt of same acknowledged September 2, 2015.

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**September 8, 2015**

Plaintiff filed Praecipe for Entry of Appearance entering the appearance of Bradley N. Sprout, Esquire on behalf of Plaintiff.

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**September 8, 2015**

Plaintiff filed Acceptance of Service of Order dated September 1, 2015. Receipt of same acknowledged September 4, 2015.

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**September 10, 2015**

STV filed Acceptance of Service of Order dated September 1, 2015. Receipt of same acknowledged September 3, 2015.

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**September 11, 2015**

STV transmitted via facsimile a letter requesting an extension of time until September 25, 2015 in which the parties may file pre-trial motions.

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**September 14, 2015**

Board forwarded letter (via facsimile & U.S. Mail) to STV, with copy to Plaintiff and Defendant, denying request for an extension of time.

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**September 17, 2015**

Defendant filed Motion in Limine Limiting the Testimony of Kim Christensen and Brief in Support.

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**September 17, 2015**

Board forwarded letter to Plaintiff and Additional Defendant, requesting a response to Defendant's motion.

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**September 18, 2015**

STV transmitted via facsimile a letter further explaining why it needs an extension of time.

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**September 18, 2015**

STV filed a Motion in Limine to Exclude the Purported Expert Report and Testimony of Kim Christensen and Brief in Support.

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**September 18, 2015**

STV filed a Motion for Summary Judgment and Brief in Support.

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**September 21, 2015**

Board forwarded letter to Plaintiff and Defendant, requesting a response to STV's motion in limine.

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**September 21, 2015**

Board forwarded letter to Plaintiff and Defendant, requesting a response to STV's motion for summary judgment.

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**September 21, 2015**

Board forwarded letter (via facsimile & U.S. Mail) to STV, with copy to Plaintiff and Defendant, denying renewed request for an extension of time.

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**September 24, 2015**

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

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**September 25, 2015**

Board forwarded Subpoenas 234.1 - to attend with duces tecum to Plaintiff.

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**October 1, 2015**

Board forwarded Notice of Settlement Conference.

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**October 8, 2015**

Defendant filed Brief in Support of STV's Motion for Summary Judgment.

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**October 13, 2015**

Plaintiff filed Response to STV's Motion in Limine to Preclude Expert Testimony from Kim Christensen and Brief in Opposition.

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**October 13, 2015**

Plaintiff filed Response to Defendant's Motion for Summary Judgment and Brief in Opposition.

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**October 13, 2015**

Plaintiff filed Response to Defendant's Motion in Limine Limiting the Testimony of Kim Christensen.

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**October 22, 2015**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 22<sup>nd</sup> day of October, 2015, upon consideration of the motions in limine filed by STV Architects and the Department of General Services, and the response to those motions filed by Frey Lutz, Corp., it is **ORDERED** that both motions in limine are **DENIED**." Copy forwarded to all parties of record.

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**October 23, 2015**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 23<sup>rd</sup> day of October, 2015, upon consideration of the motion for summary judgment filed by STV and the responses thereto filed by Frey Lutz and the Department of General Services, it is **ORDERED** that the motion is **DENIED**." Copy forwarded to all parties of record.

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**October 23, 2015**

STV filed Reply Brief to Frey Lutz's Brief in Opposition to STV's Motion for Summary Judgment.

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**October 26, 2015**

Defendant transmitted via facsimile a letter advising that its client will not be able to attend the pre-trial conference schedule for October 29, 2015, but will be available via telephone in the event she is needed.

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**October 26, 2015**

STV transmitted via facsimile a letter advising that it will have Robert Darlington physically attend the Conference and its other clients in New York will be available via telephone and also advises that STV is willing to attempt a "global settlement."

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**October 26, 2015**

Plaintiff filed Pre-trial Statement.

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**October 26, 2015**

Defendant filed Pre-trial Statement.

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**October 26, 2015**

STV filed Prehearing Memorandum.

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**October 27, 2015**

STV filed via U.S. Mail a letter advising that it will have Robert Darlington physically attend the Conference and its other clients in New York will be available via telephone and also advises that STV is willing to attempt a "global settlement."

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**October 27, 2015**

Defendant filed via U.S. mail a letter advising that its client will not be able to attend the pre-trial conference schedule for October 29, 2015, but will be available via telephone in the event she is needed.

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**October 27, 2015**

Defendant filed Acceptance of Service of Opinion and Order dated October 23, 2015. Receipt of same acknowledged October 26, 2015.

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**October 27, 2015**

Defendant filed Acceptance of Service of Opinion and Order dated October 22, 2015. Receipt of same acknowledged October 27, 2015.

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**October 29, 2015**

Plaintiff filed Acceptance of Service of Opinion and Order dated October 23, 2015. Receipt of same acknowledged October 26, 2015.

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**October 29, 2015**

Plaintiff filed Acceptance of Service of Opinion and Order dated October 22, 2015. Receipt of same acknowledged October 26, 2015.

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**October 29, 2015**

Board held pre-trial conference.

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**October 30, 2015**

Board rendered an Order. Order as follows: "Whereas, the parties, at pretrial conference, expressed a serious interest in entering good faith negotiations to resolve the claims in this matter, and Whereas, the primary impediment to such negotiation appears to be the uncertainty as to what additional cost the Department of General Services ("DGS") may incur to bring the tissue digester system here at issue to an acceptable functioning level, and Whereas, DGS is currently in the process of contracting with a professional to inspect such tissue digester system and provide a report as to the work needed to bring the tissue digester system here at issue to an acceptable functioning level and provide an estimate for the cost to do so, and Whereas, it has been represented to the Board that DGS will seek to procure this inspection and report as rapidly as possible with a goal to obtain said report by no later than January/February of 2016, and Whereas, the parties have, in reliance on the foregoing, agreed to postpone the currently scheduled hearing in this case from December 2015 to April 2016, in order to afford the parties an opportunity to engage constructively in good faith settlement negotiation prior to

hearing, **AND NOW**, this 30<sup>th</sup> day of October, 2015, it is hereby **ORDERED** and **DECREED** that the hearing in this matter is rescheduled to begin on Monday, April 11, 2016 and run through Friday, April 22, 2016, 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 all parties of record.

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**November 4, 2015**

Defendant filed Acceptance of Service of Order dated October 30, 2015. Receipt of same acknowledged November 2, 2015.

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**November 5, 2015**

Plaintiff filed Acceptance of Service of Order dated October 30, 2015. Receipt of same acknowledged November 2, 2015.

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**November 9, 2015**

Additional Defendant filed Acceptance of Service of Opinion and Order dated October 22, 2015. Receipt of same acknowledged October 23, 2015.

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**November 9, 2015**

Additional Defendant filed Acceptance of Service of Opinion and Order dated October 23, 2015. Receipt of same acknowledged October 25, 2015.

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**November 9, 2015**

Additional Defendant filed Acceptance of Service of Order dated October 30, 2015. Receipt of same acknowledged November 2, 2015.

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**March 1, 2016**

Defendant transmitted (via facsimile) a letter requesting a status conference be scheduled.

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**March 1, 2016**

The Board scheduled a teleconference for Wednesday, March 2, 2016 at 1:00 p.m.

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**March 21, 2016**

STV filed STV's list of trial exhibits, disk containing STV's trial exhibits as well as boxes of exhibits.

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**March 21, 2016**

Defendant filed its Final Exhibit list.

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**March 21, 2016**

Defendant filed a CD containing its Final Exhibit list.

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**March 24, 2016**

Plaintiff filed its exhibit list and a CD containing same.

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**March 29, 2016**

Board forwarded letter to STV, with copy to all parties of record, regarding numbering of exhibits.

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**April 1, 2016**

STV filed an updated list of hearing exhibits, a disk containing STV's trial exhibits as well as boxes of exhibits.

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**April 1, 2016**

Plaintiff transmitted via facsimile a letter requesting an extension of time until April 6, 2016, for the parties to file any trial stipulations or additional exhibits.

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**April 4, 2016**

Board forwarded letter to Plaintiff, with copy to all parties, granting an extension of time until April 6, 2016, for the parties to file any trial stipulations or additional exhibits.

**April 7, 2016**

Defendant transmitted via facsimile a letter requesting that Plaintiff's witness Mr. Stalker be prohibited from testifying at trial or that the trial be delayed so that Mr. Stalker can be deposed.

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**April 8, 2016**

Plaintiff transmitted via facsimile a letter in response to Defendant's letter regarding Mr. Stalker testifying.

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**April 8, 2016**

Plaintiff transmitted via facsimile a letter regarding proposed stipulations that were not filed.

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**April 11, 2016**

Plaintiff filed via U.S. mail a letter in response to Defendant's letter regarding Mr. Stalker testifying.

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**April 11, 2016**

Plaintiff filed via U.S. mail a letter regarding proposed stipulations that were not filed.

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**April 11, 2016**

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

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**April 12, 2016**

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

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**April 13, 2016**

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

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**April 14, 2016**

Plaintiff filed motion for reconsideration exclusion of proposed testimony of Zachariah Stalker and proposed order.

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**April 14, 2016**

Board hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa. **Hearing stayed indefinitely.**

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**May 12, 2016**

Testimony of hearing held April 11, 2016 filed.

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**May 19, 2016**

Testimony of hearing held April 12, 2016 filed.

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**May 24, 2016**

Testimony of hearing held April 13 & 14, 2016 filed. Last day.

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**May 24, 2016**

Board forwarded a copy of testimony of hearing held April 11, 12, 13 & 14, 2016 to Defendant.

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**May 25, 2016**

Defendant filed acceptance of service of testimony of hearing held April 11, 12, 13 & 14, 2016. Receipt of same acknowledged May 24, 2016.

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**November 30, 2016**

Plaintiff transmitted via facsimile a letter requesting a status conference.

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**November 30, 2016**

STV filed a letter in response to Plaintiff's letter of November 30, 2016.

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**December 1, 2016**

Plaintiff transmitted via facsimile a letter in response to STV's letter dated November 30, 2016.

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**December 2, 2016**

Defendant transmitted via facsimile a letter in response to Plaintiff's letter dated December 1, 2016

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**December 16, 2016**

Board forwarded letter to parties advising available dates for status conference.

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**December 19, 2016**

Plaintiff transmitted via facsimile a follow up letter requesting a status conference.

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**December 21, 2016**

Plaintiff filed via US mail a follow up letter requesting a status conference.

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**December 29, 2016**

STV transmitted via facsimile a letter advising that the parties agree that January 26, 2017 is the best date for a status conference.

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**January 3, 2017**

STV filed via U.S. mail a letter advising that the parties agree that January 26, 2017 is the best date for a status conference.

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**January 3, 2017**

Board scheduled a status conference for Thursday, January 26, 2017 at 1:00 p.m.

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**January 26, 2017**

Board held status conference at 1:00 p.m.

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**January 27, 2017**

Board scheduled a status conference for Thursday, April 20, 2017 at 1:00 p.m.

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**April 4, 2017**

Defendant transmitted via facsimile a letter requesting that the status conference scheduled for April 20, 2017 be rescheduled to May 16, 2017.

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**April 5, 2017**

Board scheduled a status conference for May 16, 2017 at 1:00 p.m.

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**May 2, 2017**

Board forwarded letter to Defendant, with copy to all other parties, requesting a copy of the PRI report.

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**May 5, 2017**

Defendant transmitted via facsimile a letter advising that the PRI report should be completed by May 10, 2017, and that a copy will be hand delivered to the Board immediately upon receipt.

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**May 10, 2017**

Defendant filed PRI report.

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**May 11, 2017**

Defendant filed via U.S. mail a letter advising that the PRI report should be completed by May 10, 2017, and that a copy will be hand delivered to the Board immediately upon receipt.

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**May 16, 2017**

Board held status conference at 1:00 p.m.

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**June 2, 2017**

Defendant transmitted via facsimile a letter requesting an extension until June 19, 2017, to notify the Board if it intends to hire an expert witness for trial.

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**June 5, 2017**

Board forwarded letter to Plaintiff, with copy to Defendant and Additional Defendant, granting an extension until June 19, 2017, to notify the Board if it intends to hire an expert witness for trial.

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**June 6, 2017**

Defendant filed via U.S. mail a letter requesting an extension until June 19, 2017, to notify the Board if it intends to hire an expert witness for trial.

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**June 19, 2017**

Defendant filed a letter advising it does not intend to retain an expert to testify against STV at trial and requesting 30 days to file its Amended Counterclaim against Frey Lutz.

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**June 23, 2017**

Plaintiff transmitted via facsimile a letter requesting entry of a Scheduling Order.

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**June 23, 2017**

Board forwarded letter to Defendant, with copy to all parties, regarding Defendant's request to file an amended joinder complaint.

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**June 26, 2017**

Board forwarded letter to parties requesting scheduling information.

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**July 11, 2017**

Plaintiff transmitted via facsimile a letter providing scheduling dates.

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**July 11, 2017**

Defendant transmitted via facsimile a letter advising that it does not object to Plaintiff's proposed dates. Defendant requests 20 days to file its Amended Counterclaim against Plaintiff.

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**July 11, 2017**

STV transmitted via facsimile a proposed scheduling order.

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**July 12, 2017**

Board forwarded letter (via facsimile & U.S. Mail) granting Defendant 20 days to file its Amended Counterclaim.

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**July 12, 2017**

Plaintiff filed via U.S. mail a letter providing scheduling dates.

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**July 12, 2017**

Defendant filed via U.S. mail a letter advising that it does not object to Plaintiff's proposed dates. Defendant requests 20 days to file its Amended Counterclaim against Plaintiff.

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**July 13, 2017**

Board rendered an Order. Revised Scheduling Order as follows: "AND NOW, this 13<sup>th</sup> day of July, 2017, it is hereby **ORDERED** and **DECREED** as follows: 1. All pleadings will be closed by August 31, 2017; 2. The last day for plaintiff's expert report, if any, to be provided to the other parties is October 20, 2017; 3. The last day for expert reports from defendant or additional defendant, if any, to be provided to the other parties is November 22, 2017; 4. All discovery, including exchange of any further rebuttal expert reports, shall be completed by December 22, 2017; 5. The last day for filing pre-trial motions is January 5, 2018; 6. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than January 30, 2018 (Please note BOC R.P. 501(b) and (c)(3)); 7. A pre-trial conference is scheduled for Monday, February 5, 2018 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 8. This matter is set for hearing beginning on Monday, February 26, 2018 and running through Friday, March 9, 2018, 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 all parties of record.

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**July 13, 2017**

Plaintiff filed via U.S. mail a letter providing scheduling dates.

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**July 18, 2017**

Defendant filed acceptance of service of Revised Scheduling Order dated July 13, 2017. Receipt of same acknowledged July 14, 2017.

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**July 19, 2017**

STV filed acceptance of service of Revised Scheduling Order dated July 13, 2017. Receipt of same acknowledged July 17, 2017.

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**July 24, 2017**

Plaintiff filed acceptance of service of Revised Scheduling Order dated July 13, 2017. Receipt of same acknowledged July 19, 2017.

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**August 1, 2017**

Defendant filed an Amended Counterclaim against Frey Lutz Corp.

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**August 1, 2017**

Board forwarded letter to Plaintiff, with copy to all other parties, requesting a response to amended counterclaim.

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**August 8, 2017**

Attorney General filed acknowledgment of Amended Counterclaim. Receipt of same acknowledged August 4, 2017.

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**August 21, 2017**

Plaintiff filed Answer with New Matter and Affirmative Defenses to Amended Counterclaim.

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**August 21, 2017**

Board forwarded letter to Plaintiff, with copy to all parties of record, requesting a response to new matter.

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**August 28, 2017**

Defendant filed Answer to New Matter to Amended Counterclaim.

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**September 22, 2017**

Board rendered Revised Scheduling Order Amendment. Order as follows: "AND NOW, this 22<sup>nd</sup> day of September, 2017, it is hereby **ORDERED** and **DECREED** that the Revised Scheduling Order issued by this Board on July 13, 2017, is amended as follows: 7. A pre-trial conference is scheduled for Monday, February 12, 2018 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101. All other times and dates in the July 13, 2017 Order remain unchanged." Copy forwarded to all parties of record.

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**September 27, 2017**

STV filed acceptance of service of Revised Scheduling Order Amendment dated September 22, 2017. Receipt of same acknowledged September 25, 2017.

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**September 27, 2017**

Plaintiff filed acceptance of service of Revised Scheduling Order Amendment dated September 22, 2017. Receipt of same acknowledged September 26, 2017.

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**September 27, 2017**

Defendant filed acceptance of service of Revised Scheduling Order Amendment dated September 22, 2017. Receipt of same acknowledged September 26, 2017.

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**October 23, 2017**

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

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**November 21 2017**

Plaintiff transmitted via facsimile a letter advising that the parties have reached a settlement and requesting same be removed from the hearing schedule.

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**January 3, 2018**

Plaintiff transmitted via facsimile a letter advising that to date Plaintiff has not received a final settlement agreed and request the Board's assistance to bring this matter to conclusion or else re-list it for a hearing.

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**January 16, 2018**

Plaintiff filed Motion to Enforce Settlement Agreement or, in the alternative, to list the case for a hearing, brief in support and proposed order.

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**January 17, 2018**

Board forwarded letter to Defendant requesting response to Plaintiff's motion to enforce settlement agreement.

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**February 15, 2018**

Defendant transmitted via facsimile a letter advising that it does not oppose to Plaintiff's motion to enforce settlement and advising that the Office of General Counsel is currently reviewing the parties' settlement agreement.

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**March 27, 2018**

Board forwarded letter to parties requesting dates for a telephone conference to ascertain the current status of the settlement agreement.

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**March 29, 2018**

STV filed a letter requesting that the status conference be continued or that STV be excused from it.

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**March 29, 2018**

Board forwarded letter to STV, with copy to Plaintiff and Defendant, advising that STV is excused from the status conference.

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**April 5, 2018**

Plaintiff filed praecipe to settle, discontinue and end with prejudice.

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**April 5, 2018**

Defendant filed praecipe to discontinue - complaint to join additional defendant STV.

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**April 10, 2018**

Defendant filed praecipe to discontinue - counterclaim against Frey Lutz.

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**April 10, 2018**

Board rendered a Praecipe Order. Order as follows: **"AND NOW**, this 10<sup>th</sup> day of April, 2018, upon receipt of a Praecipe executed by Timothy J. Woolford, Esquire, attorney for Plaintiff, and docketed with this Board under date of April 5, 2018, requesting the Board mark the matter settled, discontinued and ended with prejudice; and Praecipes executed by Harry R. Walter, III, Assistant Counsel, attorney for Defendant, and docketed with this Board under dates of April 5, 2018 and April 10, 2018, requesting the Board to mark its complaint to join STV and counterclaim against Frey Lutz settled, discontinued and ended with prejudice; 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.

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**April 12, 2018**

Defendant filed acceptance of service of Order dated April 10, 2018. Receipt of same acknowledged April 11, 2018.

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**April 17, 2018**

STV filed acceptance of service of Order dated April 10, 2018. Receipt of same acknowledged April 13, 2018.

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**April 17, 2018**

Plaintiff filed acceptance of service of Order dated April 10, 2018. Receipt of same acknowledged April 18, 2018.

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