

Docket Number: 4079

COMMONWEALTH OF PENNSYLVANIA,
STATE SYSTEM OF HIGHER EDUCATION/
BLOOMSBURG UNIVERSITY

William D. Clifford, Esquire
Brett W. Farrar, Esquire

VS.

CONTRACTING SYSTEMS, INC., II

~~Robert J. Krandel, Esquire~~
Mr. John Clarke, Pro Se

AND

OHIO CASUALTY INSURANCE COMPANY

~~Robert J. Krandel, Esquire~~
Patrick R. Kingsley, Esquire
Benjamin E. Gordon, Esquire

VS.

***MARTIN'S CERAMIC TILE**

Robert M. Cravitz, Esquire
Matthew R. Cravitz, Esquire

And

***HIGHLAND ASSOCIATES**

Andrew Fylypovych, Esquire
Andrew J. Fuga, Esquire

And

***POWER COMPONENT SYSTEMS**

~~Susan Smith Lloyd, Esquire~~
Maureen A. Jordan, Esquire

April 4, 2013

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: UNSPECIFIED.

April 5, 2013

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

April 11, 2013

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged April 9, 2013.

April 22, 2013

Plaintiff filed Affidavit of Service of Complaint.

June 4, 2013

Defendants, Contracting Systems, Inc., II and Ohio Casualty Insurance Company ("CSI2") filed Answer with New Matter.

June 4, 2013

Board forwarded letter to Plaintiff requesting response to New Matter.

***June 12, 2013**

CSI2 filed third/party joinder complaint to join Martin's Ceramic Tile ("Martin's"), Highland Associates ("Highland") and Power Component Systems ("PCS").

June 12, 2013

CSI2 transmitted (via facsimile) certificate of service of third/party joinder complaint.

June 12, 2013

Board issued Acknowledgment letter and forwarded a copy of the third/party joinder complaint to Attorney General.

June 13, 2013

CSI2 filed (via U.S. Mail) certificate of service of third/party joinder complaint.

June 18, 2013

Attorney General filed Acknowledgment of Third Party/Joinder Complaint form. Receipt of same acknowledged April 16, 2013.

June 20, 2013

CSI2 filed Affidavit of Service of Defendant's Third/Party Joinder Complaint.

June 25, 2013

Plaintiff filed Reply to CSI2's New Matter.

July 5, 2013

Highland filed Praecipe for Entry of Appearance of Andrew Fylypovych, Esquire and Andrew J. Fuga, Esquire on behalf of Highland.

July 19, 2013

PCS filed Entry of Appearance of Susan Smith Lloyd, Esquire on behalf of PCS.

July 19, 2013

PCS filed Answer to the CSI2 Joinder Complaint with New Matter and New Matter (Rule 1031.1 crossclaims) against CSI2, Martin's and Highland.

July 22, 2013

Board forwarded letter to parties requesting response to PCS's New Matter and New Matter (Rule 1031.1 crossclaims).

July 25, 2013

Martin's filed Praecipe for Appearance of Robert M. Cravitz, Esquire and Matthew R. Cravitz on behalf of Martin's.

July 25, 2013

Martin's filed Answer to the CSI2 Joinder Complaint with New Matter and Crossclaims against CSI2, Highland and PCS.

July 26, 2013

Board forwarded letter to parties requesting response to Martin's New Matter and Crossclaims.

July 26, 2013

Attorney General filed Acknowledgment of Answer with New Matter and New Matter (Rule 1031.1 crossclaims) form. Receipt of same acknowledged July 24, 2013.

August 1, 2013

Attorney General filed Acknowledgment of Answer with New Matter and Crossclaim form. Receipt of same acknowledged July 31, 2013.

August 2, 2013

Highland filed Answer to the CSI2 Joinder Complaint with New Matter and Crossclaims against CSI2, Martins and PCS.

August 2, 2013

Highland filed Reply to PCS's New Matter (Rule 1031.1 crossclaim).

August 2, 2013

Highland filed Reply to Martin's Crossclaim.

August 5, 2013

Board forwarded letter to parties requesting CSI2's response to Highland's New Matter and response from CSI2, Martin's and PCS to crossclaims.

August 5, 2013

CSI2 filed a reply to Martin's New Matter and a reply to Martin's Crossclaim as well as New Matter to Martin's Crossclaim.

August 5, 2013

CSI2 filed a reply to PCS's New Matter and a reply to PCS's New Matter (Rule 1031.1 crossclaim) as well as New Matter to PCS's New Matter (Rule 1031.1 crossclaim).

August 6, 2013

Board forwarded letter to Martin's requesting response to CSI2's New Matter to Martin's Crossclaims.

August 6, 2013

Board forwarded letter to PCS requesting response to CSI2's New Matter to PCS's New Matter (Rule 1031.1 crossclaim).

August 6, 2013

Martin's filed an answer to PCS's New Matter (Rule 1031.1 crossclaim) as well as New Matter to PCS's New Matter (Rule 1031.1 crossclaim).

August 6, 2013

Board forwarded letter to PCS requesting response to Martin's New Matter to PCS's New Matter (Rule 1031.1 crossclaim).

August 12, 2013

Attorney General filed Acknowledgment of Answer with New Matter and Crossclaim form. Receipt of same acknowledged August 8, 2013.

August 16, 2013

Plaintiff filed a Reply to Martin's New Matter.

August 21, 2013

Martin's filed a Reply to CSI2's New Matter to Martin's Crossclaim.

August 21, 2013

Martin's filed a Reply to Highland's Crossclaim to CSI2's Joinder Complaint as well as New Matter to Highland's Crossclaim.

August 22, 2013

Board forwarded letter to Highland requesting response to Martin's New Matter to Highland's Crossclaim.

August 22, 2013

Plaintiff filed a Reply to Highland's New Matter to CSI2's Joinder Complaint.

August 23, 2013

CSI2 filed a reply to Highland's New Matter and a reply to Highland's Crossclaim as well as New Matter to Highland's Crossclaim.

August 23, 2013

Board forwarded letter to Highland requesting response to CSI2's New Matter to Highland's Crossclaim.

August 26, 2013

PCS filed a Reply to Highland's Crossclaim.

August 26, 2013

PCS filed a Reply to Martin's Crossclaim.

August 29, 2013

Highland filed a Reply to Martin's New Matter to Highland's Crossclaim.

August 29, 2013

Highland filed a Reply to CSI2's New Matter to Highland's Crossclaim.

October 14, 2014

Power Component filed withdrawal of appearance of Susan Smith Lloyd, Esquire and entry of appearance of Maureen A. Jordan, Esquire, on behalf of Additional Defendant Power Component Systems.

October 22, 2014

Plaintiff filed Proposed Scheduling Order indicating that there are no objections from other parties.

October 31, 2014

Board rendered Scheduling 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 August 14, 2015;¹ 2. The last day for expert reports from defendants or additional defendants, if any, to be provided to the other parties is September 16, 2015;¹ 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by October 23, 2015;² 4. The last day for filing pre-trial motions is November 4, 2015;² 5. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than December 9, 2015 (Please note BOC R.P. 501(b) and (c)(3));

6. A pre-trial conference is scheduled for Tuesday, December 15, 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 to begin on Monday, January 11, 2016 and run through Friday, January 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.

November 6, 2014

CSI2 filed Acceptance of Service of Order dated October 31, 2014. Receipt of same acknowledged November 4, 2014.

November 6, 2014

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

November 7, 2014

Plaintiff filed Acceptance of Service of Order dated October 31, 2014. Receipt of same acknowledged November 4, 2014.

November 10, 2014

PCS filed Acceptance of Service of Order dated October 31, 2014. Receipt of same acknowledged November 5, 2014.

May 22, 2015

Plaintiff filed letter on behalf of all parties requesting the Board to modify its scheduling order.

May 26, 2015

Board rendered an Order. Order as follows: **"AND NOW**, this 26th day of May, 2015, 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 October 30, 2015; 2. The last day for expert reports from defendants or additional defendants, if any, to be provided to the other parties is November 30, 2015; 3. Plaintiff's rebuttal expert report, if any, is to be provided to all other parties by December 16, 2015; 4. All other discovery shall be completed by October 23, 2015; 5. The last day for filing pre-trial motions is November 4, 2015; 6. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than December 9, 2015 (Please note BOC R.P. 501(b) and (c)(3)); 7. A pre-trial conference is scheduled for Tuesday, December 15, 2015 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 to begin on Monday, January 11, 2016 and run through Friday, January 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.

June 1, 2015

Highland filed Acceptance of Service of Revised Scheduling Order dated May 26, 2015. Receipt of same acknowledged May 28, 2015.

June 1, 2015

Plaintiff filed Acceptance of Service of Revised Scheduling Order dated May 26, 2015. Receipt of same acknowledged May 28, 2015.

June 3, 2015

CSI2 filed Acceptance of Service of Revised Scheduling Order dated May 26, 2015. Receipt of same acknowledged May 29, 2015.

June 8, 2015

PCS filed Acceptance of Service of Revised Scheduling Order dated May 26, 2015. Receipt of same acknowledged June 2, 2015.

September 11, 2015

Defendants (Contracting Systems and Ohio Casualty) filed Petition for Leave to Withdraw as Counsel withdrawing Robert J. Krandel, Esquire as counsels for Defendants and Proposed Order.

September 21, 2015

Ohio Casualty filed Entry of Appearance of Patrick R. Kingsley, Esquire and Benjamin E. Gordon, Esquire, on behalf of Defendant, Ohio Casualty Insurance Company.

October 1, 2015

Ohio Casualty filed a second revised scheduling order as well as a letter advising that all parties have agreed to same.

October 1, 2015

Board forwarded letter to Ohio Casualty, with copy to all parties of record, regarding modifying the current scheduling order.

October 19, 2015

Ohio Casualty filed a proposed second revised scheduling order agreed to by all parties.

October 21, 2015

Board rendered a second revised scheduling order. Revised scheduling order as follows: "AND NOW, this 21st day of October, 2015, it is hereby **ORDERED** and **DECREEED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to the other parties is April 22, 2016; 2. The last day for expert reports from defendants or additional defendants, if any, to be provided to the other parties is May 22, 2016; 3. Plaintiff's rebuttal expert report, if any, is to be provided to all other parties by June 10, 2016; 4. All other discovery shall be completed by April 25, 2016; 5. The last day for filing pre-trial motions is May 4, 2016; 6. Pre-trial statements of all parties shall be filed with the Board and served upon one another no later than June 10, 2016 (Please note BOC R.P. 501(b) and (c)(3)); 7. A pre-trial conference is scheduled for Wednesday, June 15, 2016 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 to begin on Monday, July 18, 2016 and run through Friday, July 29, 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.

October 26, 2015

Plaintiff filed Acceptance of Service of Second Revised Scheduling Order dated October 21, 2015. Receipt of same acknowledged October 23, 2015.

October 28, 2015

Ohio Casualty filed Acceptance of Service of Second Revised Scheduling Order dated October 21, 2015. Receipt of same acknowledged October 26, 2015.

October 29, 2015

Highland Associates filed Acceptance of Service of Second Revised Scheduling Order dated October 21, 2015. Receipt of same acknowledged October 26, 2015.

October 30, 2015

PCS filed Acceptance of Service of Second Revised Scheduling Order dated October 21, 2015. Receipt of same acknowledged October 26, 2015.

November 2, 2015

Martin's Ceramics filed Acceptance of Service of Second Revised Scheduling Order dated October 21, 2015. Receipt of same acknowledged October 29, 2015.

March 28, 2016

Ohio Casualty filed a letter advising that the parties request a revised scheduling order as well as a proposed order.

March 28, 2016

Board forwarded letter (via facsimile & U.S. Mail) to Ohio Casualty, with copy to all parties, regarding its request for a third revised scheduling order.

April 4, 2016

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

April 5, 2016

Board forwarded Subpoenas 234.1 - to attend with duces tecum to Ohio Casualty.

April 21, 2016

Plaintiff filed letter advising that the parties have reached a resolution.

June 3, 2016

Plaintiff filed letter advising that this matter can be removed from the Board's hearing calendar.

August 18, 2016

Plaintiff filed a Notice of Satisfaction of Claim.

August 19, 2016

Board forwarded letter to all parties requesting each party file a praecipe to discontinue (together or separately).

August 31, 2016

Plaintiff filed praecipe to settle, discontinue and end.

September 2, 2016

Ohio Casualty filed praecipe to settle, discontinue and end.

September 6, 2016

PCS filed praecipe to settle, discontinue and end.

September 12, 2016

Highland Associates filed praecipe to settle, discontinue and end.

September 30, 2016

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 30th day of September, 2016, upon receipt of a Praecipe executed by William D. Clifford, Esquire, on behalf of Commonwealth of Pennsylvania, State System of Higher Education/Bloomsburg University, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of August 31, 2016; receipt of a Praecipe executed by Patrick R. Kinglsey, Esquire, on behalf of Ohio Casualty Insurance Company, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of September 2, 2016; receipt of a Praecipe executed by Maureen A. Jordan, Esquire, on behalf of Power Component Systems, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of September 6, 2016; and receipt of a Praecipe executed by Andrew J. Fuga, Esquire, on

behalf of Highland Associates, requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of September 12, 2016, as well as the non-response of the remaining parties, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice in its entirety." Copy forwarded to all parties of record.

October 5, 2016

Martin's filed praecipe to settle and discontinue.

October 5, 2016

Martin's filed Acceptance of Service of Opinion and Order dated September 30, 2016. Receipt of same acknowledged October 3, 2016.

October 6, 2016

PCS filed Acceptance of Service of Opinion and Order dated September 30, 2016. Receipt of same acknowledged October 4, 2016.

October 6, 2016

Highland filed Acceptance of Service of Opinion and Order dated September 30, 2016. Receipt of same acknowledged October 3, 2016.

October 13, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated September 30, 2016. Receipt of same acknowledged October 10, 2016.
