

Docket Number: 4083

BECDIR CONSTRUCTION COMPANY

Jessica R. Quinn-Horgan, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~William J. Cressler, Chief Counsel~~
Jason M. Wolgemuth, Assistant Counsel

May 21, 2013

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

May 21, 2013

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

May 23, 2013

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged May 22, 2013.

June 20, 2013

Defendant filed Answer with New Matter.

June 20, 2013

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

July 22, 2013

Plaintiff filed Reply to New Matter.

July 22, 2013

Board forwarded letter directing parties to proceed with discovery.

November 15, 2017

Plaintiff filed letter requesting a status conference to establish scheduling of hearing.

November 16, 2017

Board forwarded letter to parties requesting scheduling information.

November 27, 2017

Defendant filed a proposed scheduling order.

December 8, 2017

Plaintiff filed a proposed scheduling order.

December 12, 2017

Board rendered an Order. Order as follows: "AND NOW, this 12th day of December, 2017, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant is October 5, 2018; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is November 16, 2018; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by December 21, 2018; 4. The last day for filing pre-trial motions is January 8, 2019; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than February 22, 2019 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, February 27, 2019 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 Monday, April 15, 2019 and running through Friday, April 26, 2019, 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.

March 14, 2018

Defendant filed Motion for Leave to Withdraw and Amend Admissions and Brief in Support.

March 14, 2018

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

April 19, 2018

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 19th day of April, 2018, upon consideration of the Motion for Leave to Withdraw and Amend Admissions filed by Respondent, Commonwealth of Pennsylvania, Department of Transportation, it is hereby **ORDERED** that the Motion is **GRANTED**. Respondent is granted leave to provide amended responses to Claimant's request for admissions within 30 days from the date of this Order." Copy forwarded to Plaintiff and Defendant.

April 20, 2018

Defendant filed a Motion to Compel Answers to Interrogatories.

April 23, 2018

Board forwarded letter to Plaintiff requesting a response to Defendant's Motion to Compel Answers to Interrogatories.

April 23, 2018

Defendant filed Acceptance of Service of Opinion and Order dated April 19, 2018. Receipt of same April 23, 2018.

May 30, 2018

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 30th day of May, 2018, it is **ORDERED** and **DECREEED** that Defendant's Motion to Compel is **GRANTED**. Plaintiff is directed to respond to Defendant's Interrogatories within 30 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

June 6, 2018

Plaintiff filed acceptance of service of opinion and order dated May 30, 2018. Receipt of same acknowledged June 4, 2018.

June 7, 2018

Defendant filed acceptance of service of opinion and order dated May 30, 2018. Receipt of same acknowledged June 6, 2018.

January 31, 2019

Board forwarded Notice of Settlement Conference.

February 19, 2019

Plaintiff transmitted via facsimile a letter requesting that the start date for the trial be rescheduled to begin Wednesday, April 24, 2019.

February 21, 2019

Board forwarded letter to parties regarding holding a settlement conference in Docket No. 4099 in addition to the normal pretrial conference in Docket No. 4083.

February 22, 2019

Board rendered a Revised Scheduling Order. Order as follows: **"AND NOW**, this 22nd day of February, 2019, it is hereby **ORDERED** and **DECREEED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant is October 5, 2018; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is November 16, 2018; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by December 21, 2018; 4. The last day for filing pre-trial motions is January 8, 2019; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than February 22, 2019 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, February 27, 2019 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, April 23, 2019 and running through Friday, April 26, 2019, 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.

February 22, 2019

Plaintiff transmitted via facsimile a letter advising of a tentative settlement agreement in Docket No. 4083 and requesting to utilize the time set aside for the pretrial to resume settlement negotiations in Docket No. 4099.

February 22, 2019

Board forwarded letter to parties advising that the Board is amenable to using the time for the pre-trial conference in Docket No. 4083 to instead hold a second settlement conference in Docket No. 4099.

June 12, 2019

Plaintiff filed praecipe to settle and discontinue with prejudice.

June 13, 2019

Board rendered a Praecipe Order. Order as follows: "**AND NOW**, this 13th day of June, 2019, upon receipt of a Praecipe executed by Jessica R. Quinn-Horgan, Esquire, on behalf of Plaintiff, BECDIR Construction Company, requesting that the Board kindly settle and discontinue with prejudice all claims, docketed with this Board under date of June 12, 2019, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

June 21, 2019

Plaintiff filed acceptance of service of order dated June 13, 2019. Receipt of same acknowledged June 18, 2019.
