

Docket Number: 4090

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES AND  
PHILADELPHIA REGIONAL PORT AUTHORITY

Harry R. Walter, III, Assistant Counsel

VS.

**A.P. CONSTRUCTION, INC.**

~~William J. Bryers, Esquire~~  
~~Bernard E. Jude Quinn, Esquire~~  
~~William J. Bryers, Esquire~~  
Ernest J. Bernabei, III, Esquire  
Harminda M. Morales, Esquire

VS.

~~ROBERT GANTER CONTRACTORS, INC.~~

~~Jeffrey C. Sotland, Esquire~~  
~~William M. Brennan, Esquire (co-counsel)~~

**September 26, 2013**

Plaintiffs filed Claim, proof of mailing and filing fee. Amount of Claim: \$575,000.00+.

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**September 26, 2013**

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

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**October 2, 2013**

Attorney General filed Acknowledgment of Statement of Claim form. Receipt of same acknowledged September 30, 2013.

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**December 2, 2013**

Defendant filed response to claim, new matter and new matter-counterclaim against co-claimant Philadelphia Regional Port Authority.

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**December 2, 2013**

Board forwarded letter to Plaintiffs, with copy to Defendant, requesting a response to the new matter and new matter-counterclaim.

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**December 2, 2013**

Defendant filed a Joinder Statement of Claim against Robert Ganter Contractors, Inc.

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**December 9, 2013**

Attorney General filed acknowledgment of joinder statement of claim form. Receipt of same acknowledged December 4, 2013.

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**December 9, 2013**

Attorney General filed acknowledgment of new matter and new matter-crossclaim form. Receipt of same acknowledged December 4, 2013.

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**January 27, 2014**

Robert Ganter Contractors, Inc. filed Answer with New Matter to Joinder Statement of Claim.

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**January 28, 2014**

Board forwarded letter to A.P. Construction requesting response to New Matter.

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**January 30, 2014**

A.P. Construction, Inc. filed amended response to claim, amended new matter and amended new matter-crossclaim against co-claimant Philadelphia Regional Port Authority.

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**January 30, 2014**

Board forwarded letter to Plaintiffs advising it was treating A.P. Construction's amended response to claim, amended new matter and amended new matter-crossclaim against PRPA as a motion and requesting response to said "motion."

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**January 31, 2014**

Plaintiffs transmitted via facsimile a letter advising that they do not oppose to "motion" to file amended response to statement of claim, amended new matter and amended new matter-crossclaim filed by A.P. Construction.

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**February 4, 2014**

Robert Ganter transmitted via facsimile a letter advising that Robert Ganter has not been served with AP Construction's purported motion to amend its new matter and new matter crossclaim and that Robert Ganter indicates an intention to oppose the motion and has requested AP Construction to serve a copy on them and that Robert Ganter will advise the Court upon review of the document.

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**February 5, 2014**

A.P. Construction filed Response to Robert Ganter's New Matter.

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**February 14, 2014**

Robert Ganter Contractors, Inc. filed Motion to Compel directed to Defendant A.P. Construction.

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**February 14, 2014**

Board forwarded letter to A.P. Construction requesting response to Robert Ganter Contractors, Inc.'s Motion to Compel.

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**February 24, 2014**

Robert Ganter filed a letter advising that it has no objection to the filing of the amended answer by AP Construction.

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**February 25, 2014**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25<sup>th</sup> day of February, 2014, it is **ORDERED** and **DECREED** that A.P. Construction, Inc.'s amended response, new matter and new-matter counterclaim are accepted as filed. Plaintiffs shall have 30 days from the exit date of this Order to file their response." Copy forwarded to Plaintiff and Defendant.

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**February 26, 2014**

Plaintiffs filed Notice of Service of Claimants' Answer to Additional Respondent's Interrogatories and Claimants' Answer to Additional Respondent's Request for Production of Documents.

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**March 13, 2014**

Robert Ganter filed Acceptance of Service of Opinion and Order dated February 25, 2014. Receipt of same acknowledged February 27, 2014.

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**March 21, 2014**

Board rendered Opinion and Order. Order as follows: "AND NOW, this 21st day of March, 2014, it is **ORDERED** and **DECREED** that Ganter's motion to compel is **GRANTED**. A.P. Construction is directed to respond to Ganter's aforementioned interrogatories and requests for production of documents within 30 days of the exit date of this Order." Copy forwarded to all parties of record.

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**March 26, 2014**

Plaintiffs filed an Answer to A.P. Construction's Amended New Matter and an Answer and New Matter to A.P. Construction's Amended New Matter-Crossclaim.

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**March 26, 2014**

Letter received via facsimile from attorney for Robert Ganter advising that they will be using Recordtrac for discovery.

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**March 27, 2014**

Board forwarded letter to A.P. Construction requesting response to Plaintiffs' New Matter to A.P. Construction's New Matter-Crossclaim against Plaintiffs.

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**March 27, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated March 21, 2014. Receipt of same acknowledged March 25, 2014.

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**March 28, 2014**

Letter received via U.S. mail from attorney for Robert Ganter advising that they will be using Recordtrac for discovery.

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**April 4, 2014**

A.P. Construction filed Acceptance of Service of Opinion and Order dated March 21, 2014. Receipt of same acknowledged March 31, 2014.

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**April 4, 2014**

Robert Ganter filed Acceptance of Service of Opinion and Order dated March 21, 2014. Receipt of same acknowledged March 31, 2014.

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**April 4, 2014**

A.P. Construction filed a Withdrawal of Appearance of William J. Bryers, Esquire and an Entry of Appearance of Bernard E. Jude Quinn, Esquire on behalf of A.P. Construction.

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**April 14, 2014**

A.P. Construction filed Answer to Plaintiff's New Matter to Amended New Matter Crossclaim.

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**April 15, 2014**

Board forwarded letter directing parties to proceed with discovery.

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**May 5, 2014**

A.P. Construction filed consent to change attorney - Pillinger Miller Tarallo LLP be substituted in place and stead of McGivney & Kluger P.C. on behalf of A.P. Construction.

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**May 5, 2014**

Robert Ganter filed a Motion for Sanctions upon A.P. Construction for Failure to Comply with Court Order Compelling Answers to Interrogatories and Response to Request for Production of Documents, Memorandum of Law in Support and Proposed Order.

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**May 6, 2014**

Board forwarded letter to A.P. Construction, with copy to all parties of record, advising of the rules for filing responses/briefs.

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**June 9, 2014**

Robert Ganter Contractors, Inc. requested via letter a Subpoena 4009.21 - to produce documents.

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**June 9, 2014**

Board forwarded Subpoena 4009.21 - to produce documents dated June 9, 2014 to Robert Ganter Contractors, Inc.

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**June 12, 2014**

Board forwarded letter to A.P. Construction with a copy to all other parties via facsimile and U.S. Mail allowing A.P. Construction 7 days to file a response to Ganter's outstanding Motion for Sanctions.

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**June 16, 2014**

A.P. Construction filed letter regarding the length of time it took the client and the old firm to transfer client's file to counsel.

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**June 16, 2014**

Board forwarded letter to A.P. Construction with a copy to all other parties via facsimile and U.S. Mail advising counsel for A.P. Construction to file response to Ganter's outstanding motion within 10 days.

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**June 26, 2014**

A.P. Construction filed Reply to Ganter's Motion for Sanction and Memorandum of Law in Support as well as proposed Order.

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**July 2, 2014**

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 2<sup>nd</sup> day of July, 2014, upon consideration of the Motion for Sanctions filed by Robert Ganter Contractors, Inc. and the response filed by A.P. Construction, Inc., **IT IS ORDERED** that the Motion is **DENIED.**" Copy forwarded to all parties of record.

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**July 8, 2014**

Plaintiff filed Acceptance of Service of Opinion and Order dated July 2, 2014. Receipt of same acknowledged July 3, 2014.

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**July 11, 2014**

Ganter filed Acceptance of Service of Opinion and Order dated July 2, 2014. Receipt of same acknowledged July 9, 2014.

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**July 11, 2014**

A.P. Construction filed Acceptance of Service of Opinion and Order dated July 2, 2014. Receipt of same acknowledged July 8, 2014.

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**October 27, 2014**

Robert Ganter requested (on behalf of Robert Ganter) via letter from RecordTrak one subpoena 4009.21 - to produce documents.

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**October 28, 2014**

Board forwarded Subpoena 4009.21 - to produce documents dated June 9, 2014 to RecordTrak.

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**January 12, 2015**

Robert Ganter filed Motion for Summary Judgment to Dismiss All Claims and Memorandum of Law as well as Proposed Order.

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**January 13, 2015**

Board forwarded letter to A.P. Construction (with a copy to all other parties) requesting response to Robert Ganter's Motion for Summary Judgment.

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**February 13, 2015**

A.P. Construction filed praecipe to withdraw joinder statement of claim.

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**February 18, 2015**

Board rendered an Order. Order as follows: **"AND NOW**, this 18<sup>th</sup> day of February, 2015, upon receipt of a Praecipe executed by William J. Bryers, Esquire, on behalf of Defendant, A.P. Construction, Inc., requesting that the Board kindly withdraw without prejudice A.P. Construction, Inc.'s Joinder Statement of Claim filed on December 2, 2013 against Robert Ganter Contractors, Inc., docketed with this Board under date of February 13, 2015, it is **ORDERED** and **DIRECTED** that A.P. Construction, Inc.'s Joinder Statement of Claim be marked withdrawn and discontinued without prejudice. **BE IT FURTHER ORDERED** and **DECREED** that the Motion for Summary Judgment to Dismiss All Claims filed by Robert Ganter Contractors, Inc., on January 12, 2015, is hereby **DISMISSED** without prejudice as **MOOT**." Copy forwarded to Plaintiff, Defendant and Additional Defendant.

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**February 23, 2015**

Plaintiff filed Acceptance of Service of Order dated February 18, 2015. Receipt of same acknowledged February 19, 2015.

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**February 26, 2015**

Defendant filed Acceptance of Service of Order dated February 18, 2015. Receipt of same acknowledged February 23, 2015.

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**June 1, 2015**

Plaintiff transmitted via facsimile a letter advising discovery is nearing conclusion and requesting that the Board direct the parties to submit a proposed scheduling order.

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**June 2, 2015**

Board forwarded letter to parties requesting proposed scheduling dates.

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**June 3, 2015**

Plaintiff filed U.S. mail letter advising discovery is nearing conclusion and requesting that the Board direct the parties to submit a proposed scheduling order.

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**June 18, 2015**

Plaintiff transmitted (via facsimile) a proposed scheduling order.

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**June 19, 2015**

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

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**June 23, 2015**

Board rendered an Order. Order as follows: "AND NOW, this 23rd day of June, 2015, 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 November 6, 2015; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is December 4, 2015; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by February 12, 2016; 4. The last day for filing pre-trial motions is February 26, 2016; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than April 4, 2016 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, April 13, 2016 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, June 6, 2016 and running through Friday, June 10, 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 Plaintiff and Defendant.

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**June 26, 2015**

Plaintiff filed Acceptance of Service of Scheduling Order dated June 23, 2015. Receipt of same acknowledged June 25, 2015.

**July 10, 2015**

Defendant filed Acceptance of Service of Scheduling Order dated June 23, 2015. Receipt of same acknowledged June 29, 2015.

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**October 14, 2015**

Defendant requested via telephone seven subpoenas 4009.21 - to produce documents.

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**October 14, 2015**

Board forwarded seven Subpoenas 4009.21 - to produce documents dated October 14, 2015 to Defendant.

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**November 2, 2015**

Board rendered Revised Scheduling Order. Order as follows: **"AND NOW**, this 2<sup>nd</sup> day of November, 2015, it is hereby **ORDERED** and **DECREED** the Scheduling Order issued by this Board on June 23, 2015 is amended as follows: 6. A pre-trial conference is scheduled for Thursday, April 28, 2016 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 June 23, 2015 Order remain unchanged." Copy forwarded to all parties of record.

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**November 5, 2015**

Plaintiff filed Acceptance of Service of Revised Scheduling Order dated November 2, 2015. Receipt of same acknowledged November 3, 2015.

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**November 12, 2015**

Defendant filed Notice of Service of Notice of Intent to Serve a Subpoena upon Department of Homeland Security.

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**November 12, 2015**

Defendant filed Notice of Service of Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery.

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**November 12, 2015**

Defendant filed Notice of Service of First Set of Admissions, with Accompanying Interrogatories and Request for Production of Documents.

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**November 20, 2015**

Defendant filed Acceptance of Service of Revised Scheduling Order dated November 2, 2015. Receipt of same acknowledged November 17, 2015.

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**December 1, 2015**

Plaintiff filed Notice of Service of Answer to Requests for Admissions, Interrogatories and Request for Production of Documents.

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**December 16, 2015**

Plaintiff filed Notice of Service of Answer to Requests for Production of Documents.

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**December 22, 2015**

Plaintiff transmitted via facsimile a letter requesting a conference be scheduled.

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**December 23, 2015**

Plaintiff filed via U.S. mail a letter requesting a conference be scheduled.

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**December 29, 2015**

Board forwarded (via Facsimile & U.S. Mail) a letter to the parties scheduling a discovery conference on Thursday, January 7, 2016 at 1:00 p.m.

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**January 7, 2016**

Discovery conference held January 7, 2016 at 1:00 p.m.

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**January 11, 2016**

Plaintiff transmitted via facsimile a letter advising that Plaintiffs have produced to Defendant un-redacted copies of all the emails that had been previously redacted.

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**January 12, 2016**

Defendant transmitted via facsimile a letter in response to Plaintiff's letter of January 11, 2016.

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**January 13, 2016**

Plaintiff filed notice of service of second amended answer to request for production of documents.

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**January 13, 2016**

Plaintiff filed notice of service of notice of deposition and request for production of documents.

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**January 15, 2016**

Defendant filed via U.S. Mail a letter in response to Plaintiff's letter of January 11, 2016.

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**January 19, 2016**

Defendant transmitted via facsimile a letter advising that they do not plan on filing a motion to compel at this time.

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**January 22, 2016**

Defendant filed via U.S. Mail a letter advising that they do not plan on filing a motion to compel at this time.

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**February 4, 2016**

Plaintiff transmitted via facsimile a letter advising that the parties jointly request that discovery deadline be extended to February 26, 2016 and pre-trial motions deadline be extended to March 11, 2016.

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**February 8, 2016**

Board rendered Second Revised Scheduling Order. Order as follows: **"AND NOW**, this 8<sup>th</sup> day of February, 2016, it is hereby **ORDERED** and **DECREED** the Scheduling Order issued by this Board on June 23, 2015 is amended as follows: 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by February 26, 2016; 4. The last day for filing pre-trial motions is March 11, 2016; All other times and dates in the June 23, 2015 Order and the November 2, 2015 Revised Order remain unchanged." Copy forwarded to Plaintiff and Defendant.

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**February 8, 2016**

Plaintiff filed via U.S. Mail a letter advising that the parties jointly request that discovery deadline be extended to February 26, 2016 and pre-trial motions deadline be extended to March 11, 2016.

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**February 23, 2016**

Defendant transmitted via facsimile a letter advising that the parties believe the case can be resolved on cross motions for summary judgment and jointly request that the scheduling order be changed to allow the parties until March 31, 2016 to file cross motions for summary judgment and then an additional 15 days to file replies.

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**February 26, 2016**

Board rendered Third Revised Scheduling Order. Order as follows: **"AND NOW**, this 26<sup>th</sup> day of February, 2016, it is hereby **ORDERED** that the Scheduling Order issued by this Board on June 23, 2015 (as modified) is further amended as follows: 3. The conclusion of discovery, including exchange of any further rebuttal expert reports, shall be postponed indefinitely; 4. The last day for filing pre-trial motions is March 31, 2016;\* 5. The date for filing pre-trial statements is postponed indefinitely; 6. The pre-trial conference is postponed indefinitely; 7. The hearing in this matter is postponed indefinitely." Copy forwarded to Plaintiff and Defendant.

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**February 26, 2016**

Defendant filed via U.S. Mail a letter advising that the parties believe the case can be resolved on cross motions summary judgment and jointly request that the scheduling order be changed to allow the parties until March 31, 2016 to file cross motions for summary judgment and then an additional 15 days to file replies.

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**March 31, 2016**

Plaintiffs' filed motion for summary judgment as well as brief in support.

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**March 31, 2016**

Board forwarded letter (via facsimile & U.S. Mail) to Defendant, with copy to Plaintiffs, requesting response to motion.

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**April 1, 2016**

Defendant transmitted via facsimile motion for summary judgment, memorandum of law in support and proposed order.

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**April 4, 2016**

Defendant filed via U.S. Mail motion for summary judgment, memorandum of law in support and proposed order.

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**April 4, 2016**

Board forwarded letter (via facsimile & U.S. Mail) to Plaintiffs, with copy to Defendant, requesting response to motion.

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**April 7, 2016**

Plaintiffs filed answer to Defendant's motion for summary judgment and brief in support.

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**April 18, 2016**

Defendant filed answer to Plaintiffs' motion for summary judgment and memorandum in support.

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**April 21, 2016**

Defendant transmitted via facsimile a reply brief in support of Defendant's motion for summary judgment.

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**April 25, 2016**

Defendant filed via U.S. Mail a reply brief in support of Defendant's motion for summary judgment.

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**April 26, 2016**

Board forwarded letter (via facsimile & U.S. Mail) to parties requesting date and time for status conference.

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**April 29, 2016**

Plaintiff transmitted via facsimile a letter advising that the parties are available for a conference on May 24, 2016 at 1:00 p.m.

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**May 2, 2016**

Board forwarded letter to parties scheduling status conference. Status conference scheduled for May 24, 2016 at 1:00 p.m.

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**May 2, 2016**

Plaintiff filed via U.S. Mail a letter advising that the parties are available for a conference on May 24, 2016 at 1:00 p.m.

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**May 24, 2016**

Board held status conference on May 24, 2016 at 1:00 p.m.

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**June 2, 2016**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 2<sup>nd</sup> day of June, 2016, upon consideration of the Motion for Summary Judgment filed by Plaintiffs and the response thereto filed by Defendant, and the Motion for Summary Judgment filed by the Defendant and the response thereto filed by Plaintiffs, it is **ORDERED** and **DECREED** that both motions are **DENIED**." Copy forwarded to Plaintiff and Defendant.

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**June 8, 2016**

Defendant filed acceptance of service of Opinion and Order dated June 2, 2016. Receipt of same acknowledged June 3, 2016.

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**June 15, 2016**

Plaintiff filed acceptance of service of Opinion and Order dated June 2, 2016. Receipt of same acknowledged June 13, 2016.

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**June 20, 2016**

Defendant filed a praecipe to reinstate joinder statement of claim.

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**June 20, 2016**

Board forwarded letter to parties advising Defendant that its praecipe to reinstate joinder statement of claim is being treated as a motion and requesting a brief within 10 days or written consent of Plaintiff.

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**June 27, 2016**

Defendant filed brief in support of reinstatement of joinder statement of claim as well as proposed order.

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**June 28, 2016**

Board forwarded letter to Plaintiffs, with copy to Defendants, requesting response to praecipe to reinstate joinder claim.

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**July 5, 2016**

Defendant filed praecipe to attach verification to joinder statement of claim.

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**July 13, 2016**

Plaintiffs transmitted via facsimile a letter advising they do not oppose the motion to reinstate the joinder statement of claim.

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**July 14, 2016**

Plaintiffs filed via U.S. Mail a letter advising they do not oppose the motion to reinstate the joinder statement of claim.

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**July 15, 2016**

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 15<sup>th</sup> day of July, 2016, it is hereby **ORDERED** and **DECREED** that Defendant's Praecipe to Reinstate Joinder Statement of Claim filed with this Board on June 20, 2016 is **GRANTED** and said joinder complaint (as amended) is **ACCEPTED** as filed. Additional Defendant, Robert Ganter Contractors, Inc., shall have 30 days from the date of this Order to respond." Copy forwarded to all parties of record.

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**July 20, 2016**

Plaintiff filed Acceptance of Service of Opinion and Order dated July 15, 2016. Receipt of same acknowledged July 18, 2016.

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**July 25, 2016**

Robert Ganter filed Acceptance of Service of Opinion and Order dated July 15, 2016.

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**July 25, 2016**

Defendant filed Acceptance of Service of Opinion and Order dated July 15, 2016. Receipt of same acknowledged July 21, 2016.

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**July 25, 2016**

Robert Ganter filed answer to joinder statement of claim with new matter.

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**July 26, 2016**

Board forwarded letter to Defendant, with copy to all other parties, requesting response to new matter.

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**August 8, 2016**

Defendant filed response to Additional Defendant's new matter.

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**August 9, 2016**

Board forwarded letter directing parties to proceed with discovery.

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**August 12, 2016**

Robert Ganter filed motion for judgment on the pleadings and brief as well as proposed order.

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**August 15, 2016**

Robert Ganter filed Praecipe to Attach "Exhibit A" to its answer with new matter to joinder statement of claim.

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**August 16, 2016**

Board forwarded letter to Defendant, with copy to all parties, requesting response to motion for judgment on the pleadings.

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**August 29, 2016**

Defendant filed letter advising that it has not been served with Robert Ganter's motion for judgment on the pleadings.

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**August 29, 2016**

Defendant filed letter advising that it would like to engage the Board to assist with mediation or a settlement conference.

**August 29, 2016**

Pursuant to telephone clarification from Mr. Bryers' office and updated letterhead the address for William J. Bryers, Esquire is 1880 JFK Blvd., Suite 1803, Philadelphia, PA 19103.

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**August 30, 2016**

Board forwarded letter to Defendant, with copy to the other parties, advising of mediation procedure and providing available dates for a status conference should it wish to schedule a conference.

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**September 1, 2016**

Robert Ganter refiled its motion for judgment on the pleadings and brief as well as proposed order with a corrected certificate of service.

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**September 2, 2016**

Board forwarded letter to Defendant, with copy to all parties, requesting response to motion for judgment on the pleadings.

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**September 6, 2016**

Robert Ganter filed Praecipe to Substitute Verification which originally accompanied its answer to joinder statement of claim with new matter.

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**October 4, 2016**

Defendant filed response to Robert Ganter's motion for judgment on the pleadings and brief in support as well as proposed order.

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**October 4, 2016**

Robert Ganter transmitted via facsimile a letter requesting seven days to file a reply brief on the motion for judgment on the pleadings.

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**October 5, 2016**

Board forwarded letter to Robert Ganter, with copy to all parties, granting permission to file reply brief.

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**October 11, 2016**

Robert Ganter filed Reply Brief in Support of Motion for Judgment on the Pleadings and proposed order.

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**October 17, 2016**

Defendant filed a sur reply to Robert Ganter's reply brief in support of motion for judgment on the pleadings.

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**November 21, 2016**

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 21<sup>st</sup> day of November, 2016, upon consideration of the Motion for Judgment on the Pleadings filed by Additional Defendant Robert Ganter Contractors, Inc.; the response thereto filed by Defendant A.P. Construction, Inc.; the Additional Defendant's reply brief; and the Defendant's sur-reply, it is **ORDERED** and **DECREED** that said Motion is **GRANTED** as to Counts I (Negligence) and III (Breach of Contract) of the Joinder Complaint, and these Counts are **DISMISSED WITH PREJUDICE**. Ruling on Additional Defendant's motion with respect to Count II is deferred, and Defendant is **GRANTED** 30 days leave to amend Count II of the Joinder Complaint." Copy forwarded to all parties of record.

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**November 30, 2016**

Plaintiff filed Acceptance of Service of Opinion and Order dated November 21, 2016. Receipt of same acknowledged November 22, 2016.

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**November 30, 2016**

Robert Ganter filed Acceptance of Service of Opinion and Order dated November 21, 2016. Receipt of same acknowledged November 28, 2016.

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**December 16, 2016**

Defendant filed Acceptance of Service of Opinion and Order dated November 21, 2016. Receipt of same acknowledged November 29, 2016.

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**December 19, 2016**

Defendant filed First Amended Joinder Statement of Claim against Robert Ganter Contractors, Inc.

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**December 20, 2016**

Board issued Acknowledgment letter and forwarded First Amended Joinder Statement of Claim to Attorney General.

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**January 13, 2017**

Plaintiff filed notice of service of notice of deposition of Robert Gillies and notice of deposition of Joseph McMichael.

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**January 13, 2017**

Plaintiff filed notice of service of answers to interrogatories and answers to requests for production of documents.

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**January 13, 2017**

Plaintiff filed notice of service of request for admissions and interrogatory.

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**January 13, 2017**

Attorney General filed Acknowledgment of First Amended Joinder Statement of Claim form. Receipt of same acknowledged December 22, 2016.

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**January 30, 2017**

Robert Ganter filed Motion for Summary Judgment to Dismiss All Claims and Memorandum of Law.

**January 31, 2017**

Board forwarded letter to Defendant, with copy to all parties, requesting response to motion.

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**February 17, 2017**

A.P. Construction filed a letter requesting a status conference to be scheduled.

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**February 17, 2017**

Board letter to parties requesting dates for status conference.

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**February 27, 2017**

A.P. Construction filed Response to Additional Respondent, Robert Ganter Contractors, Inc.'s Motion for Summary Judgment and Brief in Support.

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**March 2, 2017**

Robert Ganter filed letter on behalf of all parties requesting March 15, 2017 date for the Settlement Conference.

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**March 3, 2017**

Robert Ganter filed letter on behalf of all parties requesting March 20, 2017 date for the Settlement Conference.

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**March 6, 2017**

Board scheduled status conference for Monday, March 20, 2017 at 200 North Third Street, Suite 700, Harrisburg, PA commencing at 1:00pm.

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**March 20, 2017**

Status conference held at 200 North Third Street, Suite 700, Harrisburg, PA.

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**April 4, 2017**

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 4th day of April, 2017, upon consideration of the Motion for Summary Judgment of the Additional Defendant, Robert Ganter Contractors, Inc. and the Response thereto filed by Defendant, A.P. Construction, Inc., it hereby **ORDERED** and **DECREED** that the Motion for Summary Judgment is **DENIED.**" Copy forwarded to all parties of record.

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**April 10, 2017**

Plaintiff transmitted via facsimile a proposed scheduling order jointly submitted by all parties.

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**April 11, 2017**

Board rendered the Fourth Revised Scheduling Order. Order as follows: **AND NOW**, this 11th day of April, 2017, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for completion of discovery shall be September 8, 2017; 2. The last day for DGS's expert report, if any, to be provided to APC & RGC is September 22, 2017;<sup>1</sup> 3. The last day for APC's expert report, if any, to be provided to DGS and RGC is October 24, 2017; 4. The last day for RGC's expert report, if any, to be provided to DGS and APC is November 13, 2017; 5. The last day for exchange of any further rebuttal expert reports is December 1, 2017;<sup>2</sup> 6. The last day for filing pre-trial motions is December 15, 2017;<sup>2</sup> 7. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than January 26, 2018 (Please note BOC R.P. 501(b) and (c)(3)); 8. A pre-trial conference is scheduled for Wednesday, January 31, 2018 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 9. This matter is set for hearing beginning on Monday, March 19, 2018 and running through Friday, March 23, 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.



**April 12, 2017**

Robert Ganter filed Acceptance of Service of Opinion and Order dated April 4, 2017. Receipt of same acknowledged April 10, 2017.

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**April 13, 2017**

Defendant filed Acceptance of Service of Opinion and Order dated April 4, 2017. Receipt of same acknowledged April 7, 2017.

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**April 17, 2017**

Robert Ganter filed Acceptance of Service of Fourth Revised Scheduling Order dated April 11, 2017. Receipt of same acknowledged April 13, 2017.

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**April 19, 2017**

Defendant filed Acceptance of Service of Fourth Revised Scheduling Order dated April 11, 2017. Receipt of same acknowledged April 17, 2017.

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**May 10, 2017**

Robert Ganter filed letter advising that it confirms that it requested RecordTrak to obtain records pursuant to subpoenas.

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**May 11, 2017**

Robert Ganter requested via telephone Subpoenas 234.1 - to attend with duces tecum and 4009.21 - to produce documents.

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**May 12, 2017**

Board forwarded Subpoenas 234.1 - to attend with duces tecum and 4009.21 - to produce documents dated May 12, 2017 to Robert Ganter.

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**May 12, 2017**

RecordTrak requested via fax (on behalf of Robert Ganter) two Subpoenas 4009.21 - to produce documents.

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**May 12, 2017**

Board forwarded Subpoenas 234.1 - to attend with duces tecum and 4009.21 - to produce documents dated May 12, 2017 to RecordTrak.

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**June 5, 2017**

Robert Ganter filed Entry of Appearance of William M. Brennan, Esquire as co-counsel on behalf of Robert Ganter Contractors, Inc.

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**June 5, 2017**

Robert Ganter filed Motion to Strike the Objections and Compel Responses from Defendant and Brief in Support as well as proposed order.

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**June 6, 2017**

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

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**June 9, 2017**

Board forwarded letter via facsimile & U.S. Mail to Robert Ganter, with copy to all parties, requesting an amended motion with discovery requests included.

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**June 13, 2017**

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

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**May 12, 2017**

Board forwarded Subpoenas 234.1 - to attend with duces tecum dated June 13, 2017 to Robert Ganter.

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**June 14, 2017**

Robert Ganter filed Amendment to its Motion to Strike the Objections and Compel Responses from Defendant as directed by the Board.

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**June 19 2017**

Robert Ganter filed Motion to Compel the Disposition of a Corporate Designee and For Sanctions Directed to Defendant and Memorandum of Law as well as proposed order.

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**June 20, 2017**

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

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**June 20, 2017**

Plaintiff filed Notice of Service of Answer to Request for Admissions, Interrogatories and Requests for Production of Documents.

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**June 20, 2017**

Robert Ganter transmitted via facsimile a letter requesting a 60 day extension of all deadlines set in the Fourth Revised Scheduling Order.

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**June 23, 2017**

Board rendered Fifth Revised Scheduling Order. Order as follows: **"AND NOW**, this 23<sup>rd</sup> day of June, 2017, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for completion of discovery shall be November 8, 2017; 2. The last day for DGS's expert report, if any, to be provided to APC & RGC is November 22, 2017;<sup>1</sup> 3. The last day for APC's expert report, if any, to be provided to DGS and RGC is December 22, 2017;<sup>1</sup> 4. The last day for RGC's expert report, if any, to be provided to DGS and APC is January 22, 2018;<sup>1</sup> 5. The last day for exchange of any further rebuttal expert reports is February 16, 2018; 6. The last day for filing pre-trial motions is February 2, 2018;<sup>2</sup> 7. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 9, 2018(Please note BOC R.P. 501(b) and (c)(3)); 8. A pre-trial conference is scheduled for Wednesday, March 14, 2018 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101;9. This matter is set for hearing beginning on Monday, April 16, 2018 and running through Friday, April 27, 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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**June 20, 2017**

Robert Ganter filed via U.S. Mail a letter requesting a 60 day extension of all deadlines set in the Fourth Revised Scheduling Order.

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**June 29, 2017**

Defendant filed Response in Opposition to Robert Ganter Contractors, Inc.'s Motion to Strike Objections and Compel Responses and Memorandum of Law.

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**June 29, 2017**

Plaintiff filed Acceptance of Service of Fifth Revised Scheduling Order dated June 23, 2017. Receipt of same acknowledged June 26, 2017.

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**June 30, 2017**

Robert Ganter filed Acceptance of Service of Fifth Revised Scheduling Order dated June 23, 2017. Receipt of same acknowledged June 27, 2017.

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**July 3, 2017**

Defendant filed Acceptance of Service of Fifth Revised Scheduling Order dated June 23, 2017. Receipt of same acknowledged June 30, 2017.

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**July 6, 2017**

Defendant filed Response in Opposition to Robert Ganter Contractors, Inc.'s Motion to Compel Depositions and Sanctions and Memorandum of Law.

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**July 11, 2017**

Board forwarded letter (via Facsimile & U.S. Mail) to parties requesting date for a teleconference.

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**July 12, 2017**

Defendant transmitted via facsimile a letter advising that all parties are available August 1, 2017 at 1:00 p.m. for a teleconference.

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**July 12, 2017**

Board forwarded letter to parties scheduling a teleconference for August 1, 2017.

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**July 12, 2017**

Robert Ganter filed a Reply in Support of its Motion to Strike the Objections and Compel Responses to its Requests for Admissions and Answers to Its Interrogatories Directed to Defendant A.P. Construction.

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**July 14, 2017**

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 14<sup>th</sup> day of July 2017, upon consideration of the motion of Robert Ganter Contractors, Inc. to strike the objections and compel responses to the requests for admissions and interrogatories from A.P. Construction, Inc. and, the response to the motion from A.P. Construction, it is hereby **ORDERED** and **DECREED** that the motion is **GRANTED IN PART** and **DENIED IN PART**. A.P. Construction's responses to Requests for Admissions 10-12, 16-45, 47-51, and 58 and Interrogatory 18 (a-c) and (e-h) are **STRICKEN**. A.P. Construction shall amend these responses in accordance with the foregoing Opinion and provide same to Ganter and the Board within 14 days of the exit date of this Order. The motion is **DENIED** with respect to Interrogatories 23 and 24." Copy forwarded to all parties of record.

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**July 18, 2017**

Plaintiff filed Acceptance of Service of Opinion and Order dated July 14, 2017. Receipt of same acknowledged July 17, 2017.

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**July 20, 2017**

Robert Ganter filed Acceptance of Service of Opinion and Order dated July 14, 2017. Receipt of same acknowledged July 17, 2017.

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**July 20, 2017**

Robert Ganter filed Reply in Support of its Motion to Compel.

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**August 1, 2017**

Teleconference held on August 1, 2017 at 1:00 p.m.

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**August 2, 2017**

Defendant filed a copy of its amended responses to Ganter's admissions and interrogatories as directed in Board's Order of July 14, 2017.

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**August 2, 2017**

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 2<sup>nd</sup> day of August, 2017, upon consideration of the Motion to Compel the Deposition of a Corporate Designee and for Sanctions filed by Additional Defendant Robert Ganter Contractors, Inc. ("Ganter"); the Response to the Motion filed by Defendant A.P. Construction, Inc. ("A.P. Construction"); the Reply filed by Ganter, and the telephonic status conference with all parties held on August 1, 2017, it is hereby **ORDERED** and **DECREED** that A.P. Construction's objections are **OVERRULED** and the Motion to Compel is **GRANTED**. The Board further **ORDERS** that: (1) A.P. Construction shall identify, in writing, its corporate designee(s) with knowledge of the factual basis relating to the alleged violations of paragraph 10 of the subcontract and the factual basis relating to the allegations in paragraphs 48(a) through (l) of the Amended Joinder Statement of Claim, as requested by Ganter respecting Items 21-39 in Rider A within 14 days of the exit date of this Order; (2) A.P. Construction shall

also identify, in writing, its corporate designee for each of Items 1-20 in Rider A within 14 days of the exit date of this Order; (3) If A.P. Construction identifies either Mr. Joseph McMichael or Mr. Robert Gillies as a corporate designee for any matters referenced in any of the Items in Rider A, A.P. Construction shall make each man available for a second deposition should this be requested by Ganter; (4) The Motion for Sanctions is **DENIED.**" Copy forwarded to all parties of record.

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**August 3, 2017**

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

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**August 4, 2017**

Board forwarded Subpoenas 234.1 - to attend with duces tecum dated August 4, 2017 to Defendant.

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**August 7, 2017**

Robert Ganter filed Acceptance of Service of Opinion and Order dated August 2, 2017. Receipt of same acknowledged August 2, 2017.

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**August 8, 2017**

Plaintiff filed Acceptance of Service of Opinion and Order dated August 2, 2017. Receipt of same acknowledged August 7, 2017.

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**August 14, 2017**

Defendant filed Acceptance of Service of Opinion and Order dated August 2, 2017. Receipt of same acknowledged August 18, 2017.

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**August 14, 2017**

Defendant filed a Withdrawal of Appearance of William J. Bryers, Esquire as well as an Entry of Appearance of Ernest J. Bernabei, III, Esquire and Harmina M. Morales, Esquire on behalf of Defendant.

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**August 29, 2017**

American Legal Records forwarded a copy of a letter from Mr. Sotland, which is addressed to the Board, advising that Robert Ganter confirms that it requested American Legal Records to obtain records pursuant to subpoenas.

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**August 31, 2017**

American Legal Records requested via telephone (on behalf of Robert Ganter) two Subpoenas 4009.21 - to produce documents.

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**August 31, 2017**

Board forwarded Subpoenas 4009.21 - to produce documents dated August 31, 2017 to American Legal Records.

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**September 27, 2017**

Robert Ganter filed Motion for Summary Judgment on the Issue of Evidence Spoliation and Brief in Support as well as Proposed Order.

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**September 28, 2017**

Board forwarded letter to Defendant, with copy to all parties, requesting response to Ganter's motion for summary judgment.

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**October 11, 2017**

Defendant filed response to Ganter's motion for summary judgment and memorandum of law.

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**October 18, 2017**

Board forwarded letter to parties, via facsimile and U.S. Mail, requesting date for teleconference.

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**October 18, 2017**

Robert Ganter transmitted via facsimile a letter advising that all parties are available for a teleconference on October 27, 2017 at 1:00 p.m.

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**October 19, 2017**

Board forwarded letter, via Facsimile & U.S. Mail, to all parties scheduling a teleconference for October 27, 2017 at 1:00 p.m.

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**October 19, 2017**

Robert Ganter filed a Reply Brief in Support of its Motion for Summary Judgment on the Issue of Evidence Spoliation.

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**October 20, 2017**

Robert Ganter filed via U.S. Mail a letter advising that all parties are available for a teleconference on October 27, 2017 at 1:00 p.m.

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**October 27, 2017**

Board held teleconference on October 27, 2017 at 1:00 p.m.

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**October 27, 2017**

Defendant filed Motion to Compel the Deposition of Robert Ganter and Memorandum of Law as well as proposed order.

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**October 27, 2017**

Board forwarded letter to Robert Ganter, with a copy to Plaintiff and Defendant, requesting response to motion to compel.

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**October 30, 2017**

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 30<sup>th</sup> day of October, 2017, upon consideration of the motion for summary judgment based on the issue of evidence of spoliation filed by Additional Defendant Robert Ganter Contractors, Inc., the response opposing the motion filed by Defendant A.P. Construction, Inc., and the reply by Robert Ganter Contractors, Inc., it is **ORDERED** and **DECREED** that the motion for summary judgment is **DENIED.**" Copy forwarded to all parties of record.

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**November 2, 2017**

Plaintiff filed Acceptance of Service of Opinion and Order dated October 30, 2017. Receipt of same acknowledged October 31, 2017.

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**November 8, 2017**

Robert Ganter filed Motion to Bifurcate Trial and Memorandum of Law as well as Proposed Order.

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**November 9, 2017**

Board forwarded letter via facsimile & U.S. Mail to Defendant, with copy to all parties, requesting response to motion.

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**November 13, 2017**

Robert Ganter filed Acceptance of Service of Opinion and Order dated October 30, 2017. Receipt of same acknowledged November 8, 2017.

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**November 13, 2017**

Defendant filed Acceptance of Service of Opinion and Order dated October 30, 2017. Receipt of same acknowledged November 8, 2017.

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**November 21, 2017**

Plaintiff transmitted via facsimile a letter requesting an extension of time until November 29, 2017 in which to file its response to joint motion for bifurcation.

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**November 21, 2017**

Board forwarded letter via Facsimile & U.S. Mail to Plaintiff, with copy to all parties, granting extension of time.

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**November 22, 2017**

Plaintiff filed via U.S. mail a letter requesting an extension of time until November 29, 2017 in which to file its response to joint motion for bifurcation.

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**November 29, 2017**

Plaintiff filed Brief in Opposition to Motion to Bifurcate Trial.

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**December 6, 2017**

Board rendered Opinion and Order via Facsimile and U.S. Mail. Order as follows: "**AND NOW**, this 6<sup>th</sup> day of December, 2017, upon consideration of the Motion to Bifurcate Trial and Memorandum of Law filed by Additional Defendant Robert Ganter Contractors, Inc., in which Defendant A.P. Construction, Inc. joins, and Plaintiffs' Brief in Opposition to same, it is **ORDERED** and **DECREED** that said Motion is **DENIED**." Copy forwarded to all parties of record.

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**December 6, 2017**

Board forwarded second letter via Facsimile & U.S. Mail to Ganter, with copy to all parties, regarding Defendant's motion to compel.

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**December 6, 2017**

Board forwarded letter via Facsimile & U.S. Mail to parties requesting date for teleconference.

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**December 7, 2017**

Robert Ganter transmitted via facsimile a letter advising that all parties are available for a teleconference on December 27, 2017.

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**December 7, 2017**

Board transmitted letter via Facsimile & U.S. Mail to parties scheduling teleconference for December 27, 2017 at 1:00 p.m.

**December 8, 2017**

Plaintiff filed Acceptance of Service of Opinion and Order dated December 6, 2017. Receipt of same acknowledged December 7, 2017.

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**December 11, 2017**

Defendant filed Acceptance of Service of Opinion and Order dated December 6, 2017. Receipt of same acknowledged December 6, 2017.

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**December 11, 2017**

Robert Ganter filed Acceptance of Service of Opinion and Order dated December 6, 2017. Receipt of same acknowledged December 7, 2017.

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**December 15, 2017**

Robert Ganter filed its Opposition to Defendant's Motion to Compel Deposition and Memorandum of Law as well as proposed order.

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**December 26, 2017**

Board rendered and Opinion and Order via Facsimile and U.S. Mail. Order as follows: **"AND NOW**, this 26<sup>th</sup> day of December, 2017, upon consideration of the motion to compel the deposition of Robert Ganter filed by A.P. Construction, Inc. and the opposition thereto filed by Robert Ganter Contractors, Inc., it is **ORDERED** and **DECREED** that the motion is **GRANTED**." Copy forwarded to all parties of record.

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**December 27, 2017**

Board held teleconference on December 27, 2017 at 1:00 p.m.

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**December 28, 2017**

Board rendered Sixth Revised Scheduling Order. Order as follows: **"AND NOW**, this 28<sup>th</sup> day of December, 2017, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for completion of discovery shall be February 2, 2018; 2. The last day for DGS's expert report, if any, to be provided to APC & RGC was November 22, 2017; 3. The last day for APC's expert report, if any, to be provided to DGS and RGC was December 22, 2017; 4. The last day for RGC's expert report, if any, to be provided to DGS and APC is January 22, 2018; 5. The last day for filing pre-trial motions is February 9, 2018; 6. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 9, 2018 (Please note BOC R.P. 501(b) and (c)(3)); 7. A pre-trial conference is scheduled for Wednesday, March 14, 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, April 16, 2018 and running through Friday, April 27, 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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**January 2, 2018**

Plaintiff filed Acceptance of Service of Opinion and Order dated December 26, 2017. Receipt of same acknowledged December 28, 2017.

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**January 3, 2018**

Plaintiff filed Acceptance of Service of Order dated December 28, 2017. Receipt of same acknowledged January 2, 2018.

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**January 8, 2018**

Defendant filed Acceptance of Service of Opinion and Order dated December 26, 2017. Receipt of same acknowledged December 26, 2017.

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**January 8, 2018**

Defendant filed Acceptance of Service of Opinion and Order dated December 26, 2017. Receipt of same acknowledged December 26, 2017.

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**January 11, 2018**

Defendant filed Acceptance of Service of Order dated December 28, 2017. Receipt of same acknowledged January 5, 2018.

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**January 18, 2018**

Robert Ganter filed Acceptance of Service of Order dated December 28, 2017. Receipt of same acknowledged not dated.

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**January 18, 2018**

Robert Ganter filed Acceptance of Service of Opinion and Order dated December 26, 2017. Receipt of same acknowledged not dated.

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**February 6, 2018**

Robert Ganter transmitted via facsimile a letter requesting an extension of time until February 12, 2018, in which to file its pre-trial motions.

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**February 8, 2018**

Board forwarded letter to Robert Ganter via facsimile & U.S. Mail denying request for extension of time.

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**February 9, 2018**

Robert Ganter filed Motion for Summary Judgment and Memorandum of Law as well as Proposed Order.

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**February 9, 2018**

Robert Ganter filed Motion to Strike A.P. Construction's Expert Report and Memorandum of Law as well as Proposed Order.

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**February 12, 2018**

Board forwarded letter via Facsimile & U.S. Mail to A.P. Construction requesting response to Motion for Summary Judgment.

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**February 12, 2018**

Board forwarded letter via Facsimile & U.S. Mail to A.P. Construction requesting response to Motion to Strike Expert Report.

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**February 15, 2018**

Board forwarded Notice of Settlement Conference.

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**February 28, 2018**

Defendant filed opposition in response to Robert Ganter's motion to strike expert report as well as memorandum of law.

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**February 28, 2018**

Defendant filed opposition in response to Robert Ganter's motion for summary judgment as well as memorandum of law.

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**March 6, 2018**

Defendant filed Prehearing Memorandum.

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**March 8, 2018**

Robert Ganter filed Reply Brief in Support of Motion for Summary Judgment.

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**March 8, 2018**

Robert Ganter filed Prehearing Memorandum.

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**March 9, 2018**

Plaintiff filed pre-trial statement.

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**March 15, 2018**

Pre-trial conference held on March 15, 2018 at 1:00 p.m.

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**March 15, 2018**

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 15<sup>th</sup> day of March, 2018, upon consideration of the Motion to Strike, response thereto, Ganter's reply, and briefs in support of the parties' positions, it is hereby **ORDERED** and **DECREED** that the Motion to Strike is **GRANTED IN PART**, consistent with this Opinion." Copy forwarded to all parties of record.

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**March 19, 2018**

Board rendered Opinion and Order. Order as follows: **AND NOW**, this 19<sup>th</sup> day of March, 2018, upon consideration of the Motion for Summary Judgment filed by Robert Ganter Contractors, Inc., the response thereto filed by A.P. Construction, Inc., and the reply of Robert Ganter Contractors, Inc., and in accordance with the foregoing discussion, it is hereby **ORDERED** and **DECREED** that the Motion for Summary Judgment is **GRANTED**. It is **FURTHER ORDERED** and **DECREED** that judgment of no liability is entered in favor of Robert Ganter Contractors, Inc. on account of the First Amended Joinder Statement of Claim and that Robert Ganter Contractors, Inc. is **DISMISSED** from this case." Copy forwarded to all parties of record.

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**March 22, 2018**

Plaintiff filed Acceptance of Service of Opinion and Order dated March 15, 2018. Receipt of same acknowledged March 20, 2018.

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**March 22, 2018**

Plaintiff filed Acceptance of Service of Opinion and Order dated March 19, 2018. Receipt of same acknowledged March 20, 2018.

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**March 28, 2018**

Defendant filed Acceptance of Service of Opinion and Order dated March 15, 2018. Receipt of same acknowledged March 23, 2018.

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**April 2, 2018**

Robert Ganter filed Acceptance of Service of Opinion and Order dated March 19, 2018. Receipt of same acknowledged March 26, 2018.

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**April 3, 2018**

Plaintiff filed Motion to Remove Hearing from the Hearing Schedule.

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**April 3, 2018**

Board forwarded letter via facsimile and U.S. Mail advising parties that the hearing has been removed from the hearing calendar.

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**April 9, 2018**

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

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**April 20, 2018**

Commonwealth Court filed Notice of Filing Petition for Review. 522 CD 2018

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**April 23, 2018**

Defendant filed copy of Notice for Filing Petition for Review as well as its Petition for Review as filed in Commonwealth Court.

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**April 30, 2018**

Defendant filed copy of Docketing Statement as filed in Commonwealth Court.

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**May 1, 2018**

Board filed certified list and description of all documents comprising the record from the Board of Claims to Commonwealth Court. Copy forwarded to Plaintiff and Defendant.

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**June 13, 2018**

Defendant filed copies of Brief for Petitioner and Reproduced Record as filed in Commonwealth Court.

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**June 15, 2018**

Defendant filed copies of Brief for Petitioner and Reproduced Record as filed in Commonwealth Court (unbound).

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**October 29, 2018**

Commonwealth Court forwarded Notice of Discontinuance of Action.

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**October 29, 2018**

Commonwealth Court forwarded certified record.

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**July 23, 2019**

Board forwarded letter to parties requesting praecipe and/or status update.

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**July 24, 2019**

Robert Ganter transmitted via facsimile a letter advising that Robert Ganter resolved their respective issues with the execution of a settlement agreement and is not expected that they will have any further involvement in this matter.

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**July 30, 2019**

Plaintiff filed letter advising that it does not intend to file a praecipe and requesting that a status conference be scheduled.

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**July 31, 2019**

Board forwarded letter to parties requesting scheduling information.

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**August 2, 2019**

Plaintiff filed scheduling information.

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**August 8, 2019**

Defendant filed letter regarding scheduling.

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**August 15, 2019**

Board rendered Seventh Revised Scheduling Order. Order as follows: **"AND NOW**, this 15<sup>th</sup> day of August, 2019, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for completion of discovery was February 2, 2018; 2. The last day for Plaintiff's expert report, if any, to be provided to Defendant was November 22, 2017;<sup>1</sup> 3. The last day for Defendant's expert report, if any, to be provided to Plaintiff's was December 22, 2017;<sup>1</sup> 4. The last day for filing pre-trial motions was February 9, 2018;<sup>2</sup> 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than September 25, 2019 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, October 2, 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, November 4, 2019 and running through Friday, November 8, 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."

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**August 19, 2019**

Plaintiff filed acceptance of service of Seventh Revised Scheduling Order dated August 15, 2019. Receipt of same acknowledged August 16, 2019.

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**August 19, 2019**

Defendant filed acceptance of service of Seventh Revised Scheduling Order dated August 15, 2019. Receipt of same acknowledged August 19, 2019.

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**September 9, 2019**

Board forwarded Notice of Settlement Conference.

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**September 10, 2019**

Defendant transmitted via facsimile a letter requesting that the pre-trial conference be rescheduled.

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**September 10, 2019**

Defendant filed via U.S. Mail a letter requesting that the pre-trial conference be rescheduled.

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**September 18, 2019**

Board forwarded letter via facsimile & U.S. Mail to Defendant, with copy to Plaintiff, moving the pre-trial conference to October 3, 2019.

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**September 23, 2019**

Plaintiff filed Praecipe to Withdraw.

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**September 24, 2019**

Board rendered Praecipe Order. Order as follows: **"AND NOW,** this 24<sup>th</sup> day of September, 2019, upon receipt of a Praecipe executed by Harry R. Walter, III, on behalf of Plaintiff, Commonwealth of Pennsylvania, Department of General Services and Philadelphia Regional Port Authority, requesting that the Board mark the Statement of Claim filed in the above-captioned case withdrawn without prejudice, docketed with this Board under date of September 23, 2019, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked withdrawn and ended without prejudice." Copy forwarded to Plaintiff and Defendant.

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**September 26, 2019**

Plaintiff filed acceptance of service of Order dated September 24, 2019. Receipt of same acknowledged September 25, 2019.

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**October 4, 2019**

Defendant filed acceptance of service of Order dated September 24, 2019. Receipt of same acknowledged October 4, 2019.

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