

Docket Number: 4099

BECDIR CONSTRUCTION COMPANY

Jessica R. Quinn-Horgan, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~William J. Cressler, Chief Counsel~~
Jeffrey W. Davis, Assistant Counsel
~~Gerald R. Schultz, Senior Counsel~~
Jason Wolgemuth, Assistant Counsel

July 21, 2014

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

July 21, 2014

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

July 28, 2014

Attorney General filed Acknowledgement of Claim dated July 21, 2014. Receipt of same acknowledged on July 23, 2014.

September 5, 2014

Defendant filed Answer with New Matter.

September 8, 2014

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

October 6, 2014

Plaintiff filed Reply to New Matter.

October 6, 2014

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

November 4, 2016

Plaintiff transmitted via facsimile a letter requesting the Board schedule a status conference in order to establish a schedule for remaining discovery and to place this case on the next available trial list.

November 7, 2016

Board forwarded letter to parties requesting scheduling information.

November 15, 2016

Defendant filed proposed scheduling order.

December 2, 2016

Plaintiff filed proposed scheduling order.

December 15, 2016

Board forwarded letter to parties requesting alternate hearing dates.

January 23, 2017

Defendant filed a letter advising that Defendant is agreeable to scheduling this matter in September 2018.

January 27, 2017

Plaintiff filed a letter advising that Plaintiff is agreeable to scheduling this matter in September 2018.

January 30, 2017

Board forwarded letter to parties requesting new proposed scheduling dates.

February 15, 2017

Board rendered a Scheduling Order. Order as follows: **"AND NOW**, this 15th day of February, 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 May 1, 2018; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is June 6, 2018; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by July 6, 2018; 4. The last day for filing pre-trial motions is July 18, 2018; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than August 30, 2018 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Thursday, September 6, 2018 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, October 22, 2018 and running through Friday, November 9, 2018, or as otherwise necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to Plaintiff and Defendant.

March 6, 2017

Plaintiff filed acceptance of service of scheduling order dated February 15, 2017. Receipt of same acknowledged February 20, 2017.

August 16, 2017

Plaintiff filed a letter advising that the hearing scheduled for October 22, 2018 - November 9, 2018, is during a time which she is unavailable and requests the trial be rescheduled for a date in September 2018 or not to begin before November 12, 2018.

August 17, 2017

Board forwarded letter to parties advising of dates available for hearing.

September 11, 2017

Plaintiff filed letter requesting that the hearing be scheduled during the month of January 2019.

September 27, 2017

Board rendered Revised Scheduling Order. Order as follows: "AND NOW, this 27th day of September, 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 September 28, 2018;¹ 2. The last day for defendants' expert report, if any, to be provided to plaintiff is October 31, 2018;¹ 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by November 30, 2018;² 4. The last day for filing pre-trial motions is December 14, 2018;² 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than January 28, 2019 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Thursday, January 31, 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, March 4, 2019 and running through Friday, March 22, 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.

October 6, 2017

Plaintiff filed acceptance of service of revised scheduling order dated September 27, 2017. Receipt of same acknowledged October 3, 2017.

September 28, 2018

Plaintiff transmitted via facsimile an expert report and curriculum vitae for George P. Ellis, Ellis Consulting.

October 3, 2018

Plaintiff filed via U.S. mail an expert report and curriculum vitae for George P. Ellis, Ellis Consulting.

October 19, 2018

Plaintiff transmitted via facsimile a letter requesting that the Pre-Trial Conference be rescheduled to another date.

October 22, 2018

Board rendered a Second Revised Scheduling Order. Order as follows: **"AND NOW**, this 22nd day of October, 2018, 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 September 28, 2018; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is October 31, 2018; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by November 30, 2018; 4. The last day for filing pre-trial motions is December 14, 2018; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than January 28, 2019 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Tuesday, February 12, 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, March 4, 2019 and running through Friday, March 22, 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.

November 2, 2018

Plaintiff filed acceptance of service of Second Revised Scheduling Order. Receipt of same acknowledged October 31, 2018.

January 9, 2019

Board forwarded to Defendant, with copy to Plaintiff, requesting a copy of Defendant's expert report.

January 11, 2019

Defendant filed a letter advising that it does not expect to call an expert witness at trial and therefore will not be filing an expert report.

January 14, 2019

Board forwarded Notice of Settlement Conference.

January 28, 2019

Plaintiff filed its pretrial statement.

January 28, 2019

Defendant filed its pretrial statement.

February 11, 2019

Board forwarded letter to parties rescheduling pretrial conference to Friday, February 15, 2019.

February 11, 2019

Plaintiff transmitted via facsimile its amended pretrial statement.

February 15, 2019

Plaintiff filed via U.S. mail its amended pretrial statement.

February 15, 2019

Board pre-trial conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101.

February 21, 2019

Plaintiff transmitted via facsimile a letter requesting that the trial date be postponed until March 11, 2019, to allow the parties to continue settlement negotiations and advises that Plaintiff is willing to participate in a second settlement conference next week.

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 Third Revised Scheduling Order. Order as follows: **"AND NOW**, this 22nd day of February, 2019, 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 September 28, 2018; 2. The last day for defendants' expert report, if any, to be provided to plaintiff is October 31, 2018; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by November 30, 2018; 4. The last day for filing pre-trial motions is December 14, 2018; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than January 28, 2019 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Tuesday, February 12, 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, March 11, 2019 and running through Friday, March 22, 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.

February 25, 2019

Defendant filed a letter attaching a copy of BECDIR's baseline schedule, which it is identifying as an additional trial exhibit.

February 26, 2019

Plaintiff transmitted via facsimile a letter providing additional information regarding BECDIR's delay/extended duration claim as per the Board's request.

February 27, 2019

Board held settlement conference.

March 21, 2019

Plaintiff transmitted via facsimile a letter requesting that the Board issue an order compelling Defendant to produce a settlement agreement or to place the case back on the Board's docket for trial.

March 27, 2019

Board forwarded letter to Defendant, with copy to Plaintiff, in regards to Plaintiff's letter regarding the settlement agreement.

April 1, 2019

Defendant filed a letter in response to the Board's letter of March 27, 2019, advising that the Department sent a written settlement agreement to Plaintiff on March 22, 2019.

October 30, 2020

Board forwarded letter to Plaintiff, with copy to Defendant, requesting praecipe to close case.

March 22, 2023

Defendant filed letter advising that the parties reached settlement and payment was made to Plaintiff on or around May 28, 2019. Defendant requests that the Board mark the case settled and discontinued with prejudice.

March 23, 2023

Board forwarded letter to Plaintiff, with copy to Defendant, requesting praecipe to discontinue.

May 4, 2023

Plaintiff transmitted via facsimile a praecipe to settle and discontinue with prejudice.

May 5, 2023

Board rendered Order. Order as follows: "**AND NOW**, this 5th day of May, 2023, 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 the above action as to all claims and counterclaims, docketed with this Board under date of May 4, 2023, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

May 9, 2023

Defendant filed acceptance of service of Order dated May 5, 2023. Receipt of same acknowledged May 8, 2023.

May 9, 2023

Defendant filed acceptance of service of Order dated May 5, 2023. Receipt of same acknowledged May 16, 2023.

CLOSED