

Docket Number: 4103

**APPALACHIAN INDUSTRIES, INC.**

~~W. Scott Staruch, Esquire~~  
~~Gerard J. Pisarcik, Esquire~~  
Mr. Bart Bertocci, President

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

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

**September 18, 2014**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$3,336,724.33+.

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**September 18, 2014**

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

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**September 18, 2014**

Plaintiff filed a Joint Motion and Stipulation for Stay of Proceedings as well as proposed order.

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**September 19, 2014**

Board rendered Opinion and Order. Order as follows: **"AND NOW, this 19<sup>th</sup> day of September, 2014, it is hereby ORDERED and DECREED that this action be STAYED until further order of the Board. Either party may request the Board to lift this stay after 90 days if and when it has reason to proceed further in this action."** Copy forwarded to Plaintiff and Defendant.

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**September 23, 2014**

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General September 22, 2014.

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**September 24, 2014**

Plaintiff filed Acceptance of Service of Order dated September 19, 2014. Receipt of same acknowledged September 23, 2014.

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**November 8, 2016**

Plaintiff filed Petition for Leave to Withdraw as Counsel, Brief in Support as well as Proposed Order.

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**November 10, 2016**

Board rendered Order. Order as follows: "**AND NOW**, this 10<sup>th</sup> day of November, 2016, upon consideration of the Petition to Withdraw Appearance filed by counsel for Plaintiff in the above-captioned matter under docket date of November 8, 2016, the withdrawal is hereby **GRANTED**. W. Scott Staruch, Esquire and Gerard J. Pisarcik, Esquire are hereby granted leave to withdraw as counsel for Appalachian Industries, Inc.

Pursuant to the information provided by Mr. Pisarcik, all communication to Plaintiff will be directed as indicated below, unless and until otherwise advised in writing by Plaintiff:

Mr. Bart Bertocci, President  
Appalachian Industries, Inc.  
144 Commodore Drive  
Perryopolis, PA 15473  
(724) 323-4513."

Copy forwarded to all parties of record.

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**June 10, 2016**

Defendant filed Acceptance of Service of Opinion and Order dated November 10, 2016. Receipt of same acknowledged November 12, 2016.

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**November 16, 2016**

Plaintiff filed Praecipe for Withdrawal of Appearance of W. Scott Staruch, Esquire and Gerard J. Pisarcik, Esquire and Laws, Staruch & Pisarcick on behalf of Plaintiff.

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**February 12, 2020**

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

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**October 30, 2020**

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 30<sup>th</sup> day of October, 2020, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity." Copy forwarded to Plaintiff and Defendant.

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