

Docket Number: 4104

THE SHEWARD PARTNERSHIP, LLC

Glen D. Kimball, Esquire
Raymond R. Wittekind, Jr., Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Andrew S. Gordon, Chief Counsel~~
Harry R. Walter, III, Assistant Counsel
David L. Narkiewicz, Assistant Counsel

September 19, 2014

Plaintiff filed Claim and proof of mailing. Amount of Claim: \$50,000.00+.

September 19, 2014

Board issued deficiency notice to Plaintiff. Claim lacks: filing fee.

September 22, 2014

Plaintiff filed filing fee. ACCEPTED FOR FURTHER PROCESSING.

September 23, 2014

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

September 29, 2014

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General September 25, 2014.

October 8, 2014

Defendant filed Praecipe to Enter Appearance of Harry R. Walter, III, and David L. Narkiewicz, on behalf of Defendant.

October 17, 2014

Defendant filed Preliminary Objections and Brief in Support.

October 20, 2014

Board forwarded letter to Plaintiff requesting response to Preliminary Objections.

November 13, 2014

Plaintiff filed Response in Opposition to Preliminary Objections, Memorandum of Law and Proposed Order.

November 14, 2014

Defendant transmitted via facsimile a letter requesting permission to file a reply brief to Plaintiff's response in Opposition to Defendant's preliminary objections by November 19, 2014.

November 17, 2014

Board forwarded letter to Defendant, with copy to Plaintiff, granting permission to file a reply brief by no later than November 21, 2014.

November 21, 2014

Defendant filed Reply to Plaintiff's Answer and Brief in Opposition to Preliminary Objections.

November 24, 2014

Board forwarded letter via facsimile and U.S. Mail to parties requesting date for evidentiary hearing.

January 14, 2015

Defendant transmitted via facsimile a letter advising the Board of dates the parties are available for an evidentiary hearing.

January 16, 2015

Board rendered Order. Order as follows: "**AND NOW**, this 16th day of January, 2015, an evidentiary hearing to determine all factual issues pertinent to the Board's jurisdiction over The Sheward Partnership, LLC's claim against the Commonwealth of Pennsylvania, Department of General Services has been set for Tuesday, March 10, 2015. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 beginning at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

January 26, 2015

Board rendered Revised Scheduling Order. Order as follows: "**AND NOW**, this 26th day of January, 2015, an evidentiary hearing to determine all factual issues pertinent to the Board's jurisdiction over The Sheward Partnership, LLC's claim against the Commonwealth of Pennsylvania, Department of General Services has been rescheduled to Monday, March 9, 2015. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 beginning at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

January 30, 2015

Defendant filed Acceptance of Service of Order dated January 26, 2015. Receipt of same acknowledged January 28, 2015.

January 30, 2015

Plaintiff filed Acceptance of Service of Order dated January 26, 2015. Receipt of same acknowledged January 28, 2015.

January 30, 2015

Defendant filed Acceptance of Service of Order dated January 16, 2015. Receipt of same acknowledged January 28, 2015.

March 9, 2015

Board held evidentiary hearing at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 beginning at 9:30 a.m. Case completed.

March 26, 2015

Testimony of evidentiary hearing held March 9, 2015 filed. Copy forwarded to attorney for Defendant. (LAST DAY)

March 31, 2015

Defendant filed Acceptance of Service of Transcript of evidentiary hearing held March 9, 2015. Receipt of same acknowledged March 27, 2015.

April 22, 2015

Defendant filed a letter requesting an extension of time until May 1, 2015 in which to file its Proposed Findings of Fact, Conclusions of Law and Brief. Plaintiff does not oppose.

April 24, 2015

Board forwarded letter via facsimile and U.S. Mail granting Defendant's extension of time request.

May 1, 2015

Defendant filed Proposed Findings of Fact, Conclusions of Law and Brief in Support.

May 28, 2015

Plaintiff filed Proposed Findings of Fact, Conclusions of Law and Brief in Support.

June 11, 2015

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 11th day of June, 2015, upon consideration of the verified pleadings, the preliminary objections, supporting briefs filed by parties, and the evidence provided by the parties at hearing, IT IS ORDERED that DGS's first preliminary objection based on lack of Board jurisdiction is **SUSTAINED**. The Complaint is **DISMISSED** in its entirety with prejudice." Copy forwarded to Plaintiff, Defendant and Chief Deputy Attorney General.

June 15, 2015

Defendant filed Acceptance of Service of Opinion and Order dated June 12, 2015. Receipt of same acknowledged June 12, 2015.

June 18, 2015

Attorney General filed Acceptance of Service of Opinion and Order dated June 11, 2015. Receipt of same acknowledged June 15, 2015.

June 22, 2015

Plaintiff filed Acceptance of Service of Opinion and Order dated June 11, 2015. Receipt of same acknowledged June 16, 2015.

July 1, 2015

Plaintiff filed copy of Petition for Review as filed in Commonwealth Court.

July 6, 2015

Commonwealth Court issued Petition for Review (No. 1090 C.D. 2015)

July 6, 2015

Plaintiff filed a copy of an Entry of Appearance of Raymond R. Wittekind, Esquire as filed in Commonwealth Court.

July 13, 2015

Plaintiff filed a copy of its Docketing Statement and Statement of Issues as filed in Commonwealth Court.

July 20, 2015

Board forwarded file to Commonwealth Court.

August 21, 2015

Board forwarded a certified list and description of all documents, transcripts of testimony, exhibits and other material comprising the record in the above referenced case to Plaintiff and Defendant.

August 21, 2015

Plaintiff filed Petitioner's Designation of the Reproduced Record as filed in Commonwealth Court.

August 24, 2015

Plaintiff filed a praecipe to withdraw the Petitioner's Designation of the Reproduced Record and Amended Designation of the Reproduced Record as filed in Commonwealth Court.

August 27, 2015

Plaintiff filed a courtesy copy of its withdrawal of appearance of Raymond Wittekind, Esquire and entry of appearance of Michael S. Soule, Esquire, on behalf of Plaintiff as filed in Commonwealth Court.

August 27, 2015

Plaintiff filed a courtesy copy of its Brief and Reproduced Record as filed in Commonwealth Court.

January 7, 2016

Commonwealth Court issued an Opinion and Order. Order as follows: AND NOW, this 5th day of January, 2016 we hereby affirm the June 11, 2015, order of the Board of Claims.

March 16, 2016

Commonwealth Court returned file.
