

Docket Number: 4118

COMMONWEALTH OF PENNSYLVANIA,
STATE SYSTEM OF HIGHER EDUCATION,
WEST CHESTER UNIVERSITY

William D. Clifford, Esquire

VS.

ROTH MARZ PARTNERSHIP, P.C.

Jeffrey C. Sotland, Esquire

VS.

~~***BEDWELL COMPANY~~

Evan B. Caplan, Esquire

AND

~~***CONNELLY CONSTRUCTION CORPORATION~~

Roy S. Cohen, Esquire
Lisa M. Wampler, Esquire
Catherine Nguyen, Esquire

AND

~~DIENER BRICK COMPANY~~

~~Louis R. Moffa, Jr., Esquire
Richard E. Stabinski, Esquire~~

AND

~~READING ROCK~~

Gregory J. Kelley, Esquire

AND

~~HEERY INTERNATIONAL~~

Kathleen Carson, Esquire

CLOSED

April 30, 2015

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

April 30, 2015

Plaintiff filed Certificate of Merit Pursuant to Rule 1042.3.

April 30, 2015

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

May 6, 2015

Plaintiff filed Affidavit of Service of Complaint.

May 13, 2015

Defendant filed preliminary objections, memorandum of law in support and proposed order.

***MAY 21, 2015**

Defendant filed Joinder Complaint. Complaint lacks proof of mailing.

May 26, 2015

Defendant filed Certificate of Service to Joinder Complaint.

May 26, 2015

Board issued Acknowledgment letter and forwarded Joinder Complaint to Attorney General.

June 1, 2015

Plaintiff filed Response to Preliminary Objections and Brief in Opposition.

June 1, 2015

Attorney General filed Acknowledgment of Complaint to Join Additional Defendants form. Receipt of same acknowledged May 28, 2015.

June 15, 2015

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 15th day of June 2015, upon consideration of the preliminary objection filed by the Defendant and the response filed by the Plaintiff, the preliminary objection is **OVERRULED**. Defendant shall file its response to the Complaint within 30 days of the exit date of this Order." Copy forwarded to all parties of record.

June 22, 2015

Plaintiff filed Acceptance of Service of Opinion and Order dated June 15, 2015. Receipt of same acknowledged June 18, 2015.

June 24, 2015

Defendant filed Answer with New Matter to Plaintiff's Complaint.

June 25, 2015

Board forwarded letter to Plaintiff, with copy to all parties of record, requesting a response to new matter.

June 26, 2015

Diener Brick Company filed preliminary objections to Defendant's joinder complaint, memorandum of law in support and proposed order.

June 26, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

June 29, 2015

Heery International filed preliminary objections to Defendant's joinder complaint, brief in support and proposed order.

June 30, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

June 30, 2015

Heery International filed Stipulation between Roth Marz Partnership, P.C. and Heery International discontinuing with prejudice the claim for contribution asserted against Heery in Count X of the Joinder Complaint.

July 1, 2015

Heery International filed Acceptance of Service of Opinion and Order dated June 15, 2015. Receipt of same acknowledged June 26, 2015.

July 7, 2015

Board rendered Order. Order as follows: "**AND NOW**, this 7th day of July 2015, upon receipt of a stipulation between Roth Marz Partnership, P.C. and Heery International received by the Board on June 30, 2015, the claim for contribution asserted against Heery International in Count X of the Joinder Complaint is **DISCONTINUED** with prejudice." Copy forwarded to all parties of record.

July 7, 2015

Bedwell Company filed preliminary objections to Defendant's joinder complaint, brief in support and proposed order.

July 8, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

July 13, 2015

Defendant filed Amended Joinder Complaint.

July 13, 2015

Heery International filed Acceptance of Service of Order dated July 7, 2015. Receipt of same acknowledged July 10, 2015.

July 13, 2015

Roth Marz filed Acceptance of Service of Order dated July 7, 2015. Receipt of same acknowledged July 10, 2015.

July 13, 2015

Plaintiff filed Acceptance of Service of Order dated July 7, 2015. Receipt of same acknowledged July 8, 2015.

July 13, 2015

Diener Brick Company filed Acceptance of Service of Order dated July 7, 2015. Receipt of same acknowledged July 9, 2015.

July 14, 2015

Board issued Acknowledgment letter and forwarded Amended Joinder Complaint to Attorney General.

July 17, 2015

Connelly Construction filed Entry of Appearance of Roy S. Cohen, Esquire, Lisa M. Wampler, Esquire, Catherine Nguyen, Esquire and the law office of Cohen, Seglias, Pallas, Greenhall & Furman, P.C., on behalf of Additional Defendant Connelly Construction Corporation.

July 17, 2015

Bedwell filed Acceptance of Service of Order dated July 7, 2015. Receipt of same acknowledged July 13, 2015.

July 23, 2015

Connelly Construction filed Acceptance of Service of Order dated July 7, 2015. Receipt of same acknowledged July 17, 2015.

July 24, 2015

Attorney General filed Acknowledgment of Amended Complaint to Join Additional Defendants form. Receipt of same acknowledged July 20, 2015.

August 4, 2015

Bedwell Company filed its Answer to Defendant's Third Party Complaint with Affirmative Defenses.

August 6, 2015

Bedwell Company filed a praecipe to Withdraw its Answer to Defendant's Third Party Complaint with Affirmative Defenses.

August 7, 2015

Heery International filed Preliminary Objections and Brief in Support to Amended Joinder Complaint as well as Proposed Order.

August 7, 2015

Bedwell Company filed Preliminary Objections, Brief in Support and Proposed Order to Defendant's Amended Joinder Complaint.

August 7, 2015

Board rendered an Order. Order as follows: "**AND NOW**, this 7th day of August, 2015, upon consideration of the Praecipe to Withdraw Answer filed with the Board on August 6, 2015 by The Bedwell Company, it is hereby **ORDERED** that said Answer is deemed **WITHDRAWN**." Copy forwarded to all parties of record.

August 7, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

August 10, 2015

Connelly Construction filed Preliminary Objections and Brief in Support to Amended Joinder Complaint as well as Proposed Order.

August 11, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

August 11, 2015

Diener Brick filed Withdrawal/Entry of Appearance withdrawing Louis R. Moffa, Esquire and law firm from counsel and entering Richard E. Stabinski, Esquire and law firm on behalf of Diener Brick.

August 11, 2015

Diener Brick filed Preliminary Objections and Brief in Support to Amended Joinder Complaint as well as Proposed Order.

August 11, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

August 13, 2015

Plaintiff filed Acceptance of Service of Order dated August 7, 2015. Receipt of same acknowledged August 10, 2015.

August 13, 2015

Bedwell Company filed Acceptance of Service of Order dated August 7, 2015. Receipt of same acknowledged August 11, 2015.

August 14, 2015

Reading Rock filed Entry of Appearance of Gregory J. Kelley, Esquire, on behalf of Additional Defendant, Reading Rock.

August 14, 2015

Reading Rock filed Preliminary Objections, Brief in Support and Proposed Order.

August 17, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

August 14, 2015

Defendant filed Acceptance of Service of Order dated August 7, 2015. Receipt of same acknowledged August 11, 2015.

August 17, 2015

Heery International filed Acceptance of Service of Order dated August 7, 2015. Receipt of same acknowledged August 13, 2015.

August 19, 2015

Connelly Construction filed Acceptance of Service of Order dated August 7, 2015. Receipt of same acknowledged August 11, 2015.

August 19, 2015

Diener Brick filed Acceptance of Service of Order dated August 7, 2015. Receipt of same acknowledged August 11, 2015.

September 2, 2015

Defendant filed Opposition to Heery International's preliminary objections, brief in support and proposed order.

September 2, 2015

Defendant filed Opposition to Diener Brick's preliminary objections, brief in support and proposed order.

September 8, 2015

Defendant filed Opposition to Connelly's preliminary objections, brief in support and proposed order.

September 8, 2015

Defendant filed Opposition to Reading Rock's preliminary objections, brief in support and proposed order.

September 10, 2015

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 10th day of September, 2015, upon consideration of the preliminary objections filed by Additional Defendants to the Amended Joinder Complaint and the responses in opposition filed by Defendant, **IT IS ORDERED** that the preliminary objections (demurrer) for legal insufficiency and for lack of specificity are **SUSTAINED**. The Amended Joinder Complaint is **DISMISSED WITHOUT PREJUDICE**. Roth Marz is further granted leave to pursue discovery and to file a second amended joinder complaint within one hundred twenty (120) days from the exit date of this Order." Copy forwarded to all parties of record.

September 10, 2015

Connelly filed letter requesting that the Board schedule an oral argument to address Connelly's Preliminary Objections to the Amended Joinder Complaint.

September 10, 2015

Defendant filed Opposition to Bedwell Company's preliminary objections, brief in support and proposed order.

September 11, 2015

Heery International filed a Reply in Support of its Preliminary Objections to Amended Joinder Complaint.

September 14, 2015

Board forwarded letter to Connelly (with copy to all other parties) denying request for oral argument.

September 17, 2015

Reading Rock filed Acceptance of Service of Opinion and Order dated September 10, 2015. Receipt of same acknowledged September 14, 2015.

September 17, 2015

Plaintiff filed Acceptance of Service of Opinion and Order dated September 10, 2015. Receipt of same acknowledged September 14, 2015.

September 17, 2015

Defendant filed Motion to Compel Additional Defendant, Reading Rock, Request for Production of Documents, Memorandum of Law and Proposed Order.

September 18, 2015

Roth Marz filed Acceptance of Service of Opinion and Order dated September 10, 2015. Receipt of same acknowledged September 15, 2015.

September 21, 2015

Connelly Construction filed Acceptance of Service of Opinion and Order dated September 10, 2015. Receipt of same acknowledged September 15, 2015.

September 21, 2015

Board forwarded letter to Reading Rock (with copy to all other parties) requesting response to Motion to Compel.

September 23, 2015

Bedwell Company filed Acceptance of Service of Opinion and Order dated September 10, 2015. Receipt of same acknowledged September 14, 2015.

September 25, 2015

Heery International filed Acceptance of Service of Opinion and Order dated September 10, 2015. Receipt of same acknowledged September 18, 2015.

September 28, 2015

Defendant transmitted via facsimile a letter withdrawing its Motion to Compel Reading Rock to respond to its request for production of documents.

September 29, 2015

Defendant filed via FEDEX a letter withdrawing its Motion to Compel Reading Rock to respond to its request for production of documents.

November 19, 2015

Defendant filed Second Amended Joinder Complaint.

December 14, 2015

Defendant filed Certificate of Service of Answers to Plaintiff's Interrogatories and Certificate of Service of Responses to Plaintiff's Request for Production of Documents.

December 17, 2015

Bedwell filed preliminary objections to Defendant's Second Amended Joinder Complaint, Brief in Support and Proposed Order.

December 17, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

December 21, 2015

Connelly Construction filed preliminary objections to Defendant's Second Amended Joinder Complaint, Brief in Support and Proposed Order.

December 23, 2015

Board forwarded letter to Defendant, with copy to all parties, advising of rules for filing responses/briefs.

January 19, 2016

Defendant filed its opposition to Connelly Construction's preliminary objections to the second amended joinder complaint, brief in support and proposed order.

January 19, 2016

Defendant filed its opposition to Bedwell Company's preliminary objections to the second amended joinder complaint, brief in support and proposed order.

March 2, 2016

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 2nd day of March, 2016, upon consideration of the preliminary objections filed by Bedwell Company ("Bedwell") to the Second Amended Joinder Complaint and the opposition thereto filed by Roth Marz Partnership, P.C. ("Roth Marz"), it is **ORDERED** and **DECREED** that the preliminary objections to Counts I, II and III are **SUSTAINED** and **DISMISSED WITH PREJUDICE."** Copy forwarded to all parties of record.

March 2, 2016

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 2nd day of March, 2016, upon consideration of the preliminary objections filed by Connelly Construction Corporation to the Second Amended Joinder Complaint and the opposition thereto filed by Roth Marz Partnership, P.C., it is **ORDERED** and **DECREED** that the preliminary objections to Counts IV, V and VI are **SUSTAINED** and those Counts are **DISMISSED WITH PREJUDICE**." Copy forwarded to all parties of record.

March 9, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated March 2, 2016. Receipt of same acknowledged March 7, 2016.

March 9, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated March 2, 2016. Receipt of same acknowledged March 7, 2016.

March 9, 2016

Bedwell filed Acceptance of Service of Opinion and Order dated March 2, 2016. Receipt of same acknowledged March 7, 2016.

March 10, 2016

Connelly filed Acceptance of Service of Opinion and Order dated March 2, 2016. Receipt of same acknowledged March 8, 2016.

March 10, 2016

Connelly filed Acceptance of Service of Opinion and Order dated March 2, 2016. Receipt of same acknowledged March 8, 2016.

March 18, 2016

Defendant filed Acceptance of Service of Opinion and Order dated March 2, 2016. Receipt of same acknowledged March 11, 2016.

March 18, 2016

Defendant filed Acceptance of Service of Opinion and Order dated March 2, 2016. Receipt of same acknowledged March 11, 2016.

September 10, 2018

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to parties.

September 26, 2018

Plaintiff filed Praecipe to Settle and Discontinue.

September 27, 2018

Board rendered Praecipe Order. Order as follows: "AND NOW, this 27th day of September, 2018, upon receipt of a Praecipe executed by William D. Clifford, Esquire, on behalf of Plaintiff, Commonwealth of Pennsylvania, State System of Higher Education, West Chester University, requesting that the Board kindly settle and discontinue the above-captioned action and mark the docket accordingly, docketed with this Board under date of September 26, 2018, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

October 4, 2018

Defendant filed Acceptance of Service of Order dated September 27, 2018. Receipt of same dated October 1, 2018.

October 5, 2018

Plaintiff filed Acceptance of Service of Order dated September 27, 2018. Receipt of same dated October 1, 2018.
