

Docket Number: 4131

**ALLAN A. MYERS, INC., FOR THE USE AND
BENEFIT OF MCCARTHY MASONRY & CONCRETE, INC.**

Joshua C. Quinter, Esquire
Karin Corbett, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~William J. Cresser, Chief Counsel~~
Gerald R. Schultz, Assistant Counsel
Jason Wolgemuth, Assistant Counsel

January 15, 2016

Plaintiff filed a Statement of Claim, proof of mailing and filing fee. Amount of Claim: \$173,622.34+.

January 19, 2016

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

February 5, 2016

Defendant filed Preliminary Objections to Plaintiff's Complaint and Brief in Support.

February 5, 2016

Board forwarded letter to Plaintiff with a copy to Defendant advising of rules for filing response.

February 8, 2016

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged January 28, 2016.

February 23, 2016

Plaintiff filed Praecipe to Attach - notice to defend to Plaintiff's statement of claim filed January 15, 2016.

February 25, 2016

Plaintiff filed response to preliminary objections and memorandum of law as well as proposed order.

March 11, 2016

Board rendered and Opinion and Order. Order as follows: "**AND NOW**, this 11th day of March, 2016, upon consideration of the preliminary objections filed by the Defendant and the response filed by Plaintiff, it is **ORDERED** and **DECREED** that the demurrer to Count III is **SUSTAINED**. Count III is hereby **STRICKEN** from the Statement of Claim. It is further **ORDERED** that the preliminary objection under Pa. R.C.P. 1018(a) for failure to include a notice to defend is **OVERRULED**. The Defendant shall respond to the remaining counts in the Statement of Claim within 30 days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

April 22, 2016

Defendant filed a copy of a letter addressed to Plaintiff enclosing the Defendant's first request for production of documents.

April 27, 2016

Defendant filed answer and new matter.

April 27, 2016

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

May 2, 2016

Defendant filed a copy of a letter addressed to Plaintiff enclosing the Defendant's first request for production of documents.

May 2, 2016

Defendant filed a copy of a letter addressed to Plaintiff enclosing the Defendant's Interrogatories to Plaintiff- First Set.

May 31, 2016

Defendant filed a copy of a letter addressed to Plaintiff enclosing the Defendant's Response to Request for Production of Documents and Response to Plaintiff's Interrogatories-First Set.

June 13, 2016

Defendant filed a copy of a letter addressed to Plaintiff enclosing the Defendant's Requests for Admissions (First Set).

June 22, 2016

Plaintiff filed reply to new matter.

June 23, 2016

Board forwarded letter directing parties to proceed with discovery.

August 7, 2017

Plaintiff filed letter advising that counsels have changed law firms and provided new law firm and address for Plaintiff's counsels.

September 25, 2017

Plaintiff filed letter advising that counsels have relocated offices and provided address for Plaintiff's counsels.

May 23, 2023

Defendant filed letter advising that the parties reached settlement and payment was made to Plaintiff on or around February 21, 2018. Defendant requests that the Board mark the case settled and discontinued with prejudice.

May 24, 2023

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

May 25, 2023

Defendant filed a copy of a letter advising that the parties reached settlement and payment was made to Plaintiff on or around February 21, 2018. Defendant requests that the Board mark the case settled and discontinued with prejudice.

January 29, 2025

Board issued a Rule to Show Cause.

April 17, 2025

Board rendered an Order. Order as follows: "**AND NOW**, this 17th day of April, 2025, upon the failure of Claimant, Allan A. Myers, Inc., for the use and benefit of McCarthy Masonry & Concrete, Inc., to file a response to the Rule to Show Cause issued by the Board on January 29, 2025, which directed Claimant show cause why this matter should not be marked as settled, discontinued, and ended with prejudice, it is hereby **ORDERED** that the Rule be made **ABSOLUTE** and the record be marked as settled, discontinued, and ended with prejudice." Copy forwarded to Plaintiff and Defendant.
