

Docket Number: 4140

**READING SITE CONTRACTORS,  
A DIVISION OF H&K GROUP, INC.**

Roy S. Cohen, Esquire  
Anthony L. Byler, Esquire  
~~James P. McGraw, Esquire~~  
Sydney Pierce, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION**

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

**April 28, 2016**

Plaintiff filed Statement of Claim and filing fee. Amount of Claim: Amount of Initial Claim \$242,490.16+.

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**April 29, 2016**

Board issued deficiency notice to Plaintiff. Claim and proof of mailing lack original hand written signature of filing attorney.

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**May 4, 2016**

Plaintiff filed Statement of Claim and proof of mailing with original hand written signatures of filing attorney.

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**May 5, 2016**

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

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**May 16, 2016**

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged May 11, 2016.

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**May 27, 2016**

Defendant filed preliminary objections and brief.

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**May 31, 2016**

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

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**June 24, 2016**

Plaintiff filed response to preliminary objections as well as proposed order.

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**July 8, 2016**

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 8<sup>th</sup> day of July, 2016, upon consideration of the preliminary objections filed by the Defendant and the response filed by the Plaintiff, it is **ORDERED** and **DECREED** that the demurrers to Count II and Count III are **SUSTAINED** and those Counts are hereby **STRICKEN** from the Statement of Claim. The Defendant shall respond to Count I in the Statement of Claim within 30 days from the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

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**July 13, 2016**

Defendant filed acceptance of service of Opinion and Order dated July 8, 2016. Receipt of same acknowledged July 12, 2016.

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**July 20, 2016**

Defendant filed a letter advising that the parties have agreed to provide Defendant with an extension of time until September 7, 2016 in which to file its answer to the complaint.

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**July 21, 2016**

Board forwarded letter to Defendant, with copy to Plaintiff, acknowledging extension of time.

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**September 7, 2016**

Defendant filed Answer with New Matter.

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**September 8, 2016**

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

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**October 17, 2016**

Plaintiff filed reply to new matter.

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**October 19, 2016**

Board forwarded a letter directing parties to proceed with discovery.

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**January 23, 2017**

Plaintiff filed notice of service of notice of deposition of Corporate Designee of PennDOT.

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**January 23, 2017**

Plaintiff filed notice of service of first set of interrogatories.

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**January 23, 2017**

Plaintiff filed notice of service of first request for production of documents.

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**January 28, 2020**

Plaintiff filed Praecipe for Substitution of Appearance substituting the appearance of Sydney Pierce, Esquire for that of James McGraw, Esquire on behalf of Plaintiff.

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**January 28, 2020**

Plaintiff filed Notice of Service of Responses to Second Set of Requests for Production of Documents.

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**February 3, 2020**

Plaintiff filed letter requesting status conference to establish dates for the hearing and a schedule for the remaining pre-hearing proceedings.

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**February 4, 2020**

Board forwarded letter to parties requesting scheduling information.

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**February 19, 2020**

Defendant filed proposed scheduling information.

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**February 19, 2020**

Plaintiff transmitted via facsimile proposed scheduling information.

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**February 27, 2020**

Board forwarded letter to parties requesting date for settlement/scheduling conference.

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**June 8, 2020**

Plaintiff filed letter providing proposed dates that both counsel and a representative are available to attend a status conference.

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**June 11, 2020**

Board forwarded via facsimile & U.S. Mail to parties scheduling a scheduling/settlement conference for June 21, 2020 at 2:00 p.m. and directing the parties to file specific documentation by July 10, 2020.

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**June 29, 2020**

Board forwarded via facsimile & U.S. Mail a letter providing the Board's COVID-19 procedures.

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**July 10, 2020**

Defendant filed additional documentation as requested by the Board.

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**July 10, 2020**

Plaintiff filed additional documentation as requested by the Board.

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**July 15, 2020**

Plaintiff filed exhibits R and T that were inadvertently incomplete in the additional documentation that was filed with the Board on July 10, 2020.

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**July 21, 2020**

Board held scheduling/settlement conference on July 21, 2020.

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**January 25, 2021**

Plaintiff filed Praecipe to Settle, Discontinue and End.

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**January 26, 2021**

Board rendered Order. Order as follows: "**AND NOW**, this 26<sup>th</sup> day of January, 2021, upon receipt of a Praecipe executed by Anthony L. Byler, Esquire, on behalf of Plaintiff, Reading Site Contractors, A Division of H&K Group, Inc., requesting that the Board mark the above-captioned matter settled, discontinued and ended with prejudice and without costs to any party, docketed with this Board under date of January 25, 2021, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

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**February 8, 2021**

Plaintiff filed acceptance of service of Order dated January 26, 2021. Receipt of same acknowledged February 4, 2021.

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