

Docket Number: 4155

HEMPT BROS., INC.

James W. Kutz, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

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

November 30, 2016

Plaintiff filed Complaint, proof of mailing and filing fee. Amount of Claim: \$772,715.51+.

December 1, 2016

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

December 30, 2016

Defendant filed Answer with New Matter.

January 3, 2017

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

February 13, 2017

Reply to New Matter filed by Plaintiff.

February 14, 2017

Board forwarded letter to parties directing them to proceed with discovery.

June 18, 2019

Plaintiff filed letter requesting that the Board either schedule a Status Conference and/or send correspondence to counsel with the intent of establishing Scheduling Order.

June 18, 2019

Plaintiff requested via letter one Subpoena 4009.21 - to produce documents.

June 19, 2019

Board forwarded one Subpoena 4009.21 - to produce documents) dated June 19, 2019 to Plaintiff.

June 19, 2019

Board forwarded letter to parties requesting scheduling information.

June 28, 2019

Defendant filed Proposed Scheduling Order.

July 1, 2019

Plaintiff filed proposed scheduling dates.

July 2, 2019

Board rendered Scheduling Order. Order as follows: "**AND NOW**, this 2nd day of July, 2019, it is hereby **ORDERED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant and the Board is April 10, 2020;¹ 2. The last day for defendants' expert report, if any, to be provided to plaintiff and the Board is May 15, 2020;¹ 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by June 12, 2020;² 4. The last day for filing pre-trial motions is June 22, 2020;² 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than July 27, 2020 (Please note BOC R.P. 899.501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, August 5, 2020 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Wednesday, September 9, 2020 and running through Friday, September 25, 2020, or as otherwise necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to Plaintiff and Defendant.

July 9, 2019

Defendant filed Acceptance of Service of Scheduling Order dated July 2, 2019. Receipt of same dated July 8, 2019.

July 10, 2019

Plaintiff filed Acceptance of Service of Scheduling Order dated July 2, 2019. Receipt of same dated July 8, 2019.

February 20, 2020

Plaintiff filed letter advising that both parties request a six month extension to the Scheduling Order deadlines and hearing.

February 20, 2020

Plaintiff filed updated letter with correct dates advising that both parties request a six month extension to the Scheduling Order deadlines and hearing.

February 21, 2020

Board rendered Revised Scheduling Order. Order as follows: **"AND NOW**, this 21st day of February, 2020, it is hereby **ORDERED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant and the Board is October 16, 2020;¹ 2. The last day for defendants' expert report, if any, to be provided to plaintiff and the Board is November 20, 2020;¹ 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by December 23, 2020;² 4. The last day for filing pre-trial motions is January 8, 2021;² 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than February 12, 2021 (Please note BOC R.P. 899.501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Monday, February 22, 2021 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Wednesday, March 10, 2021 and running through Friday, March 26, 2021, or as otherwise necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m. Copy forwarded to Plaintiff and Defendant.

March 2, 2020

Defendant filed acceptance of service of Revised Scheduling Order dated February 21, 2020. Receipt of same acknowledged March 2, 2020.

November 9, 2020

Plaintiff filed letter requesting that the deadlines set forth in the Revised Scheduling Order be extended approximately six months.

November 10, 2020

Board rendered Second Revised Scheduling Order. Order as follows: **"AND NOW**, this 10th day of November, 2020, it is hereby **ORDERED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant and the Board is April 28, 2021;¹ 2. The last day for defendants' expert report, if any, to be provided to plaintiff and the Board is June 4, 2021;¹ 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by July 9, 2021;² 4. The last day for filing pre-trial motions is July 21, 2021;² 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than September 1, 2021 (Please note BOC R.P. 899.501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, September 8, 2021 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Monday, October 4, 2021 and running through Friday, October 22, 2021, or as otherwise necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101. Unless otherwise noted, the first day of all hearings begins at 9:30 a.m., and subsequent hearing days begin at 9:00 a.m." Copy forwarded to Plaintiff and Defendant.

November 23, 2020

Plaintiff filed acceptance of service of Second Revised Scheduling Order dated November 10, 2020. Receipt of same acknowledged November 18, 2020.

August 11, 2021

Plaintiff filed letter advising that the parties have reached a tentative settlement and requests that the hearing be removed from the schedule.

January 21, 2025

Defendant filed letter advising that the parties reached settlement and payment was made to Plaintiff on or around May 19, 2023. Defendant requests that the Board mark the case settled and discontinued with prejudice.

January 25, 2025

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

February 12, 2025

Plaintiff filed praecipe to discontinue.

February 12, 2025

Board rendered Order. Order as follows: " **AND NOW**, this 12th day of February, 2025, upon receipt of a Praecipe executed by James W. Kutz, Esquire, on behalf of Plaintiff, Hempt Bros., Inc., requesting that the Board mark the above-captioned matter settled, discontinued and ended, docketed with this Board under date of February 10, 2025, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to all parties of record.

February 21, 2025

Plaintiff filed acceptance of service of Order dated February 12, 2025. Receipt of same acknowledged February 18, 2025.
