

Docket Number: 4160

GULISEK CONSTRUCTION, LLC to the Use and Benefit of Strongstown's  
BK ENTERPRISES, INC.

Paul A. Logan, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~William J. Cressler, Chief Counsel~~  
~~Robert T. Kuntz, Assistant Counsel~~  
Seth F. Bortner, Assistant Counsel

**February 9, 2017**

Plaintiff filed Complaint and filing fee. Amount of Complaint: \$300,344.39+.

---

**February 9, 2017**

Board issued notice of deficiency to Plaintiff. Complaint lacks proof of mailing.

---

**February 13, 2017**

Plaintiff filed proof of mailing.

---

**February 13, 2017**

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

---

**February 13, 2017**

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

---

**February 16, 2017**

Attorney General filed acknowledgment of claim form. Receipt of same acknowledged February 15, 2017.

---

**March 9, 2017**

Defendant filed preliminary objections and brief in support.

---

**March 10, 2017**

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

---

**March 27, 2017**

Plaintiff filed Answer to Preliminary Objections and Brief in Opposition.

---

**April 12, 2017**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 12<sup>th</sup> day of April, 2017, upon consideration of the preliminary objection filed by Respondent Department of Transportation to the Statement of Claim and the response to the preliminary objection filed by Claimants Gulisek Construction, LLC and Strongstown's BK Enterprises, Inc., **IT IS ORDERED** that the preliminary objection is **SUSTAINED**. Count III is **DISMISSED**. The Department of Transportation is **DIRECTED** to answer the remaining averments in the Statement of Claim within 30 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

---

**April 19, 2017**

Defendant filed acceptance of service of Opinion and Order dated April 12, 2017. Receipt of same acknowledged April 17, 2017.

---

**April 21, 2017**

Plaintiff filed acceptance of service of Opinion and Order dated April 12, 2017. Receipt of same acknowledged April 19, 2017.

---

**May 12, 2017**

Defendant filed answer with new matter.

---

**May 12, 2017**

Board forwarded letter to Plaintiff, with copy to Defendant, requesting a reply to the new matter.

---

**May 25, 2017**

Plaintiff filed reply to Defendant's new matter.

---

**May 30, 2017**

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

---

**February 28, 2018**

Plaintiff filed Entry of Appearance of Paul A. Logan, Esquire (now at Post & Schell, P.C.) on behalf of Plaintiff.

---

**December 9, 2021**

Plaintiff filed letter requesting a scheduling order to set discovery and a hearing date.

---

**December 14, 2021**

Board forwarded letter to parties requesting proposed scheduling information.

---

**December 27, 2021**

Plaintiff filed proposed scheduling order.

---

**December 28, 2021**

Defendant filed proposed scheduling order.

---

**February 3, 2022**

Board rendered an Order. Order as follows: **"AND NOW**, this 3<sup>rd</sup> day of February, 2022, it is hereby **ORDERED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant and filed with the Board is March 6, 2023; 2. The last day for defendants' expert report, if any, to be provided to plaintiff and filed with the Board is April 3, 2023; 3. All discovery (including exchange and Board filing of any further rebuttal expert reports) shall be completed by May 1, 2023; 4. The last day for filing pre-trial motions is May 15, 2023; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than June 26, 2023 (Please note BOC R.P. 899.501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Tuesday, July 11, 2023 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, August 21, 2023 and running through Friday, August 25, 2023, 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.

---

**February 14, 2022**

Plaintiff filed acceptance of service of Scheduling Order dated February 3, 2022. Receipt of same acknowledged February 8, 2022.

---

**February 14, 2022**

Defendant filed acceptance of service of Scheduling Order dated February 3, 2022. Receipt of same acknowledged February 10, 2022.

---

**March 25, 2022**

Defendant filed Entry of Appearance of Seth F. Bortner, Assistant Counsel, on behalf of Defendant.

---

**March 25, 2022**

Defendant filed Notice of Withdrawal of Robert T. Kuntz, Assistant Counsel, on behalf of Defendant.

---

**March 31, 2023**

Plaintiff filed letter advising that the parties have reached a settlement and requests that the Board remove the case from the hearing schedule.

---