

Docket Number: 4161

**Kinsley Construction, Inc.**

James W. Kutz, Esquire  
Ashley Nichols Weber, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
Department of Transportation**

~~William J. Cressler, Chief Counsel~~  
~~Robert T. Kuntz, Assistant Counsel~~  
~~Seth F. Bortner, Assistant Counsel~~  
Jason M. Wolgemuth, Assistant Counsel  
Matthew A. Semback, Assistant Counsel

**February 13, 2017**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$255,426.65

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**February 14, 2017**

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

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**February 17, 2017**

Attorney General filed Acknowledgement of claim form. Receipt of same acknowledged February 16, 2017.

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**March 9, 2017**

Defendant filed letter requesting extension until March 31, 2017 to file their answer to Plaintiff's claim. Plaintiff has agreed to said extension.

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**March 9, 2017**

Board issued letter to Defendant, with copy to Plaintiff, granting an extension of time until March 31, 2017 for Defendant to file the Answer to Claim.

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**March 31, 2017**

Defendant filed Answer and New Matter.

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**March 31, 2017**

Board forwarded letter to Plaintiff requesting response to New Matter.

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**April 21, 2017**

Plaintiff filed Reply to New Matter.

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**April 24, 2017**

Board forwarded letter directing parties to proceed with discovery.

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**September 13, 2017**

Defendant filed Certificate of Service of Defendant's First Request for the Production of Documents and Interrogatories.

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**March 25, 2022**

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

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**March 25, 2022**

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

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**February 24, 2023**

Plaintiff filed Entry of Appearance of Ashley Nichols Weber, Esquire, on behalf of Plaintiff.

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**February 24, 2023**

Plaintiff requested, via letter, Subpoenas 4009.21 - to produce documents.

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**February 27, 2023**

Board forwarded Subpoena 4009.21 - to produce documents dated February 27, 2023 to Plaintiff.

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**August 22, 2023**

Defendant filed a Praecipe for Entry of Appearance requesting to enter the appearance of Jason M. Wolgemuth, Assistant Counsel and withdrawing the appearance of Seth F. Bortner, on behalf of Defendant.

**August 23, 2024**

Defendant filed a Praecipe for Entry of Appearance requesting to enter the appearance of Matthew A. Sembach, Assistant Counsel on behalf of Defendant.

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**September 3, 2024**

Plaintiff filed letter requesting the Board issue a letter seeking proposed dates for all scheduling matters.

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**September 5, 2024**

Board forwarded letter to parties requesting proposed scheduling dates.

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**September 30, 2024**

Plaintiff filed proposed scheduling order.

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**October 1, 2024**

Defendant filed proposed scheduling dates.

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**October 16, 2024**

Board rendered a Scheduling Order. Scheduling Order as follows: **"AND NOW**, this 16<sup>th</sup> day of October, 2024, 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 February 28, 2025; 2. The last day for defendants' expert report, if any, to be provided to plaintiff and filed with the Board is April 11, 2025; 3. All discovery (including exchange and Board filing of any further rebuttal expert reports) shall be completed by May 9, 2025; 4. The last day for filing pre-trial motions is May 23, 2025; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than June 27, 2025 (Please note BOC R.P. 899.501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, July 16, 2025 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, September 8, 2025 and running through Friday, September 12, 2025, 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.

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**October 22, 2024**

Defendant filed letter advising that Plaintiff did in fact respond to Defendant's First Request for Production of Documents and Interrogatories.

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**October 22, 2024**

Defendant filed acceptance of service of scheduling order dated October 23, 2024. Receipt of same acknowledged October 22, 2024.

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**February 27, 2025**

Plaintiff filed letter advising that the parties have reached a settlement and that Plaintiff will file a praecipe to discontinue once payment has been received.

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