

Docket Number: 4163

SHIPLEY BROS. CONSTRUCTION, INC.

Christopher R. Opalinski, Esquire
Timothy D. Berkebile, Esquire
Kevin M. Skjoldal, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA,
STATE SYSTEM OF HIGHER EDUCATION,
CALIFORNIA UNIVERSITY**

~~Andrew Lehman, Chief Counsel~~
Michael S. Ferguson, University Legal Counsel

February 28, 2017

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: in excess of \$188,786.43+.

March 1, 2017

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

March 9, 2017

Attorney General filed Acknowledgment of Statement of Claim form. Receipt of same acknowledged March 8, 2017.

June 19, 2017

Defendant filed Answer with New Matter.

June 20, 2017

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

July 18, 2017

Plaintiff filed reply to new matter.

July 18, 2017

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

November 15, 2017

Plaintiff filed Notice of Service of First Request for Production of Documents.

November 21, 2017

Plaintiff's Motion to Compel Production of Documents and Proposed Order.

November 21, 2017

Board forwarded letter to Defendant, with copy to Plaintiff, requesting response to motion to compel.

December 27, 2017

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 27th day of December, 2017, the Plaintiff's motion to compel production of documents is **GRANTED**, and Defendant is **ORDERED** to produce all responsive documents to Plaintiff within 20 days of the exit date of this Order." Copy forwarded to Plaintiff and Defendant.

January 8, 2018

Plaintiff filed acceptance of service of Opinion and Order dated December 27, 2017. Receipt of same acknowledged January 3, 2018.

January 10, 2018

Defendant filed acceptance of service of Opinion and Order dated December 27, 2017. Receipt of same acknowledged January 2, 2018.

March 28, 2018

Plaintiff requested via telephone two Subpoenas 234.1 - to attend with duces tecum and three Subpoenas 4009.21 - to produce documents.

March 29, 2018

Board forwarded two Subpoenas 234.1 - to attend with duces tecum and three Subpoenas 4009.21 - to produce documents dated March 29, 2018 to Plaintiff.

March 28, 2019

Plaintiff filed a letter requesting that the Board schedule a hearing in this matter.

March 28, 2019

Board forwarded letter to parties requesting scheduling information.

April 12, 2019

Plaintiff transmitted via facsimile a letter requesting an extension until April 17 to respond to the Board's request of March 28, 2019.

April 15, 2019

Board forwarded letter to Plaintiff, with copy to Defendant, granting its request for an extension of time until April 17, 2019, in which to file its proposed scheduling order.

April 15, 2019

Defendant filed proposed scheduling order.

April 18, 2019

Plaintiff transmitted via facsimile proposed scheduling order.

April 22, 2019

Plaintiff filed via U.S. Mail proposed scheduling order.

April 22, 2019

Board rendered a scheduling order. Scheduling Order as follows: "AND NOW, this 22nd day of April, 2019, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant and the Board is October 25, 2019; 2. The last day for defendant's expert report, if any, to be provided to plaintiff and the Board is December 6, 2019; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by January 17, 2020; 4. The last day for filing pre-trial motions is January 30, 2020; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 6, 2020 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Thursday, March 12, 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 Monday, April 20, 2020 and running through Wednesday, April 29, 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.

May 2, 2019

Defendant filed acceptance of service of Scheduling Order dated April 22, 2019. Receipt of same acknowledged May 1, 2019.

May 8, 2019

Plaintiff filed acceptance of service of Scheduling Order dated April 22, 2019. Receipt of same acknowledged May 2, 2019.

October 15, 2019

Plaintiff requested via telephone two Subpoenas 4009.21 - to produce documents.

October 16, 2019

Board forwarded two Subpoenas 4009.21 - to produce documents dated October 16, 2019 to Plaintiff.

October 22, 2019

Board rendered a revised scheduling order. Revised Scheduling Order as follows: "**AND NOW**, this 22nd day of October, 2019, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant and the Board is October 25, 2019; 2. The last day for defendant's expert report, if any, to be provided to plaintiff and the Board is December 6, 2019; 3. All discovery, including exchange of any further rebuttal expert reports, shall be completed by January 17, 2020; 4. The last day for filing pre-trial motions is January 30, 2020; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than March 6, 2020 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Wednesday, March 18, 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 Monday, April 20, 2020 and running through Wednesday, April 29, 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.

October 25, 2019

Plaintiff transmitted via facsimile a Motion for an Extension of Time to file Expert Report and Proposed Order.

October 25, 2019

Board forwarded letter to Plaintiff, with copy to Defendant, granting an extension of time until October 28, 2019 to file its expert report.

October 28, 2019

Board rendered an Order. Order as follows: "**AND NOW**, this 28th day of October, 2019, pursuant to the Motion of Claimant Shipley Bros. Construction, Inc. for an Extension of Time to File Expert Report, it is hereby **ORDERED**, **ADJUDGED** and **DECREED** that said Motion is hereby **GRANTED** and the expert report of Claimant is now due on October 28, 2019. All other deadlines and dates set forth in the Revised Scheduling Order of October 22, 2019 remain unchanged." Copy forwarded to Plaintiff and Defendant.

October 29, 2019

Plaintiff filed the Expert Report of Thomas & Williamson.

November 1, 2019

Plaintiff filed acceptance of service of Revised Scheduling Order dated October 22, 2019. Receipt of same acknowledged October 29, 2019.

November 5, 2019

Defendant filed acceptance of service of Revised Scheduling Order dated October 22, 2019. Receipt of same acknowledged October 31, 2019.

November 6, 2019

Plaintiff filed acceptance of service of Order dated October 28, 2019. Receipt of same acknowledged November 4, 2019.

November 20, 2019

Plaintiff filed Certificate Prerequisite to Service of Subpoena on Nello Construction Company.

November 20, 2019

Plaintiff filed Certificate Prerequisite to Service of Subpoena on Management Engineering Company.

December 6, 2019

Defendant filed a Motion for an Extension of Time to file Expert Report and Proposed Order.

December 6, 2019

Board forwarded letter to Defendant, with copy to Plaintiff, granting an extension of time until December 9, 2019 to file its expert report.

December 10, 2019

Defendant filed its expert report.

February 21, 2020

Board forwarded Notice of Settlement Conference.

March 6, 2020

Defendant filed its pre-trial statement.

March 9, 2020

Plaintiff filed a letter advising that Defendant consented to allowing Plaintiff to file its pre-trial statement on Monday, March 9, 2020.

March 9, 2020

Plaintiff filed its pre-trial statement and expert report of Thomas & Williamson.

March 16, 2020

Board rendered a Second Revised Scheduling Order. Order as follows: **"AND NOW**, this 16th day of March, 2020, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant and the Board was October 25, 2019; 2. The last day for defendant's expert report, if any, to be provided to plaintiff and the Board was December 6, 2019; 3. All discovery, including exchange of any further rebuttal expert reports, was completed by January 17, 2020; 4. The last day for filing pre-trial motions was January 30, 2020; 5. Pre-trial statements of both parties were filed with the Board and served upon one another on March 6, 2020 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for Tuesday, April 21, 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, May 13, 2020 and running through May 22, 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.

March 16, 2020

Defendant transmitted via facsimile acceptance of service of Second Revised Scheduling Order dated March 16, 2020. Receipt of same acknowledged March 16, 2020.

March 17, 2020

Plaintiff transmitted via facsimile acceptance of service of Second Revised Scheduling Order dated March 16, 2020. Receipt of same acknowledged March 16, 2020.

March 27, 2020

Board forwarded letter via Facsimile and U.S. Mail to parties postponing pre-trial conference and hearing.

February 4, 2022

Plaintiff filed Praecipe to Settle and Discontinue All Claims.

February 8, 2022

Board rendered Order. Order as follows: "**AND NOW**, this 8th day of February, 2022, upon receipt of a Praecipe executed by Christopher R. Opalinski, Esquire, on behalf of Plaintiff, Shipley Bros. Construction, Inc., requesting that the Board mark the docket in this action to reflect that this matter, including all claims, is settled and discontinued with prejudice, docketed with this Board under date of February 4, 2022, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

February 25, 2022

Plaintiff filed acceptance of service of Order dated February 8, 2022. Receipt of same acknowledged February 11, 2022.
