

Docket Number: 4164

**PENNSY SUPPLY**

John P. DiBiasi, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

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

**March 21, 2017**

Plaintiff filed Complaint, proof of mailing and filing fee. Amount of Claim: \$9,491,900+.

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**March 21, 2017**

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

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**March 27, 2017**

Attorney General filed acknowledgment of claim form. Receipt of same acknowledged March 23, 2017.

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**April 18, 2017**

Defendant filed preliminary objections to complaint and brief in support.

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**April 18, 2017**

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

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**May 17, 2017**

Plaintiff filed letter advising that, after review of Defendant's preliminary objections, it does not object to the dismissal of Count II of the Verified Claim.

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**May 18, 2017**

Board rendered Order. Order as follows: "**AND NOW**, this 18<sup>th</sup> day of May, 2017, upon receipt of a preliminary objection from Commonwealth of Pennsylvania, Department of Transportation ("PennDOT") to Count II of Plaintiff's Complaint and a letter submitted by John P. DiBiasi, Esquire, on behalf of Plaintiff, Pennsy Supply, filed with this Board on May 17, 2017, stating that Plaintiff does not object to dismissal of Count II, it is **ORDERED** and **DIRECTED** that Count II of said Complaint is **DISMISSED**. Defendant is directed to file a response to Counts I, III and IV within 30 days of the date of this Order." Copy forwarded to Plaintiff and Defendant.

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**May 26, 2017**

Plaintiff filed acceptance of service of Order dated May 18, 2017.  
Receipt of same acknowledged May 22, 2017.

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**June 2, 2017**

Defendant filed acceptance of service of Order dated May 18, 2017.  
Receipt of same acknowledged May 30, 2017.

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**June 7, 2017**

Defendant filed letter advising that Plaintiff has agreed to provide Defendant an additional 30 days to file its answer to the complaint.

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**July 18, 2017**

Defendant filed Answer and New Matter.

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**July 19, 2017**

Board forwarded letter to Plaintiff requesting response to new matter.

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**July 24, 2017**

Plaintiff filed a letter advising that Defendant agreed to allow Plaintiff to file its answer to the new matter on or before August 25, 2017.

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**July 25, 2017**

Board forwarded letter to Plaintiff, with copy to Defendant, acknowledging extension between the parties.

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**August 23, 2017**

Plaintiff filed answer to new matter.

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**August 23, 2017**

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

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**December 5, 2018**

Plaintiff transmitted via facsimile a letter advising that the parties have agreed upon a proposed settlement and that Plaintiff will file a discontinuance once the settlement is executed.

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**December 11, 2018**

Plaintiff filed via U.S. mail a letter advising that the parties have agreed upon a proposed settlement and that Plaintiff will file a discontinuance once the settlement is executed.

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**August 20, 2019**

Plaintiff transmitted via facsimile a Joint Praecipe to Discontinue.

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**August 22, 2019**

Plaintiff filed a Joint Praecipe to Discontinue.

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**August 23, 2019**

Board rendered an Order. Order as follows: "**AND NOW**, this 23<sup>rd</sup> day of August, 2019, upon receipt of a joint Praecipe executed by John P. DiBiasi, Esquire, on behalf of Plaintiff, Pennsy Supply and Jason Wolgemuth, Assistant Counsel, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation, requesting that the Board kindly mark the above-captioned matter settled, discontinued and ended with prejudice, docketed with this Board under date of August 22, 2019, 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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**September 4, 2019**

Defendant filed acceptance of service of Order dated August 23, 2019. Receipt of same acknowledged August 28, 2019.

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**October 2, 2019**

Plaintiff filed acceptance of service of Order dated August 23, 2019. Receipt of same acknowledged August 28, 2019.

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CLOSED