

Docket Number: 4173

LOBAR ASSOCIATES, INC.

George E. Pallas, Esquire
Matthew L. Erlanger, Esquire
Michael Metz-Topodas, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA TURNPIKE COMMISSION**

~~Doreen McCall, Chief Counsel~~
Douglas C. Hart, Esquire

September 14, 2017

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$454,000.47+ ACCEPTED FOR FURTHER PROCESSING

September 18, 2017

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

September 22, 2017

Attorney General filed acknowledgment of claim form. Receipt of same acknowledged September 20, 2017.

October 16, 2017

Defendant filed Preliminary Objections and Brief in Support.

October 16, 2017

Board forwarded letter to Plaintiff, with copy to Defendant, advising of rules for filing response.

November 15, 2017

Plaintiff filed response in opposition to preliminary objections as well as brief in opposition.

November 30, 2017

Board forwarded letter, via facsimile and U.S. Mail, requesting parties to provide proposed dates for an evidentiary hearing.

December 12, 2017

Plaintiff transmitted via facsimile a letter requesting that the evidentiary hearing be held during the week of February 19, 2018.

December 12, 2017

Defendant transmitted via facsimile a letter providing dates for an evidentiary hearing.

December 14, 2017

Defendant transmitted via facsimile a letter providing revised dates for evidentiary hearing.

December 15, 2017

Defendant filed via U.S. Mail a letter providing dates for an evidentiary hearing.

December 18, 2017

Defendant filed via U.S. Mail a letter providing revised dates for evidentiary hearing.

December 19, 2017

Plaintiff transmitted via facsimile a letter providing availability for evidentiary hearing.

December 20, 2017

Board rendered Order. Order as follows: "**AND NOW**, this 20th day of December, 2017, pursuant to recent correspondence from the parties, an evidentiary hearing to determine all factual issues pertinent to the Board's jurisdiction over the claim of Lobar Associates, Inc. against the Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission has been set for Monday, March 12, 2018. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 beginning at 9:30 a.m.

It is **FURTHER ORDERED** and **DECREED** that discovery in this matter relevant to the outstanding jurisdictional issues proceed apace and that both parties exchange and file with this Board a list of exhibits and witnesses which they plan to present at this hearing by no later than March 5, 2018." Copy forwarded to Plaintiff and Defendant.

December 21, 2017

Plaintiff filed via U.S. Mail a letter providing availability for evidentiary hearing.

January 2, 2018

Plaintiff filed Acceptance of Service of Order dated December 20, 2017. Receipt of same acknowledged December 27, 2017.

January 2, 2018

Defendant filed Acceptance of Service of Order dated December 20, 2017. Receipt of same acknowledged December 27, 2017.

March 2, 2018

Defendant transmitted via Facsimile List of Exhibits and Witnesses.

March 5, 2018

Plaintiff filed List of Exhibits and Witnesses.

March 5, 2018

Defendant filed via U.S. Mail List of Exhibits and Witnesses.

March 12, 2018

Evidentiary Hearing held March 12, 2018.

March 16, 2018

Testimony of evidentiary hearing held March 12, 2018 filed. Last day.

March 16, 2018

Board issued letter establishing briefing schedule and forwarding copy of testimony of hearing held March 12, 2018 to Defendant (last day).

March 30, 2018

Plaintiff transmitted via facsimile a letter requesting a one week extension of time in which to file its proposed findings of fact, conclusions of law and brief.

March 30, 2018

Board forwarded letter to Plaintiff, with copy to Defendant granting a one week extension of time in which to file its proposed findings of fact, conclusions of law and brief.

April 2, 2018

Plaintiff filed via U.S. Mail a letter requesting a one week extension of time in which to file its proposed findings of fact, conclusions of law and brief.

April 11, 2018

Defendant filed Acceptance of Service of testimony of evidentiary hearing held March 12, 2018 dated March 16, 2018. Receipt of same acknowledged March 20, 2018.

April 12, 2018

Plaintiff filed Proposed Findings of Fact, Conclusions of Law and Memorandum of Law.

May 2, 2018

Defendant filed Proposed Findings of Fact, Conclusions of Law and Memorandum of Law.

May 14, 2018

Plaintiff filed Reply Memorandum of Law.

June 11, 2018

Defendant transmitted via facsimile a letter requesting an oral argument with the respect to the jurisdictional issue.

June 14, 2018

Defendant transmitted via facsimile a letter requesting an oral argument with the respect to the jurisdictional issue.

June 15, 2018

Board forwarded letter to parties regarding Defendant's request for an oral argument.

June 28, 2018

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 28th day of June, 2018, upon consideration of the preliminary objections filed by the Pennsylvania Turnpike Commission to the Statement of Claim of Lobar Associates, Inc., all subsequent filings of record, and the evidence presented at hearing, it is hereby **ORDERED** and **DECREED** that the preliminary objection to Board jurisdiction is **SUSTAINED**, and this matter is **DISMISSED.**" Copy forwarded to Plaintiff, Defendant and Attorney General.

July 5, 2018

Plaintiff filed Acceptance of Service of Opinion and Order dated June 28, 2018. Receipt of same acknowledged July 3, 2018.

July 5, 2018

Defendant filed Acceptance of Service of Opinion and Order dated June 28, 2018. Receipt of same acknowledged July 1, 2018.

July 5, 2018

Attorney General filed Acceptance of Service of Opinion and Order dated June 28, 2018. Receipt of same acknowledged July 2, 2018.

July 30, 2018

Plaintiff filed copy of Petition for Review as filed in Commonwealth Court.

August 2, 2018

Commonwealth Court issued Notice of Filing Petition for Review (No.1038 C.D. 2018).

August 23, 2018

Board filed original file and description of all documents, transcripts of testimony, exhibits and other material comprising the record from the Board of Claims to Commonwealth Court. Copy forwarded to Plaintiff and Defendant.

August 2, 2019

Commonwealth Court filed copy of its Opinion and Order dated August 1, 2019. Order as follows: "AND NOW, this 1st day of August, 2019, the order of the Board of Claims, dated June 28, 2018, in the above-captioned matter is hereby AFFIRMED."

September 10, 2019

Supreme Court issued notice of Petition for Allowance of Appeal.

February 21, 2020

Supreme Court filed copy of its Order dated February 19, 2020. Order as follows: "AND NOW, this 19th day of February, 2020, the Petition for Allowance of Appeal is DENIED."

March 13, 2020

File returned from Commonwealth Court.
