

Docket Number: 4180

**U.S. VENTURE, INC.**

John T. Pion, Esquire  
Michael F. Nerone, Esquire  
Todd R. Brown, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT;  
COMMONWEALTH FINANCING AGENCY; and  
SCOTT D. DUNKELBURGER, EXECUTIVE DIRECTOR OF THE COMMONWEALTH  
FINANCE AGENCY**

~~Christopher Houston, Chief Counsel  
John Michael Quain, Jr., Assistant Counsel  
Sean Campbell, Assistant Counsel  
Michael Adams, Chief Counsel~~

**January 23, 2018**

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: not specified.

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**January 24, 2018**

Board issued Acknowledgment letter requesting response from Defendant and forwarding a copy of the Claim to Attorney General.

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**January 30, 2018**

Attorney General filed acknowledgment of statement of claim form. Receipt of same acknowledged January 29, 2018.

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**February 15, 2018**

Defendant filed preliminary objections and brief in support.

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**February 15, 2018**

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

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**March 19, 2018**

Plaintiff filed response in opposition to Defendant's preliminary objections and brief in Opposition.

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**March 19, 2018**

Plaintiff filed Motion for Oral Argument Related to Defendant's Preliminary Objections, Brief in Support and Proposed Order.

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**March 20, 2018**

Board forwarded letter requesting parties to provide proposed dates for an evidentiary hearing.

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**March 29, 2018**

Plaintiff transmitted via facsimile a letter requesting a 10 day extension of time in which to confer and advise the Board of a proposed date for the evidentiary hearing.

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**March 29, 2018**

Board forwarded letter to Plaintiff, with copy to Defendant granting a 10 day extension of time in which to confer and advise the Board of a proposed date for the evidentiary hearing.

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**April 2, 2018**

Plaintiff filed via U.S. Mail a letter requesting a 10 day extension of time in which to confer and advise the Board of a proposed date for the evidentiary hearing.

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**April 4, 2018**

Plaintiff transmitted via facsimile a letter advising that the parties are available for an evidentiary hearing on June 6, 2018 and reiterating its objection.

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**April 4, 2018**

Plaintiff filed Motion for Reconsideration, Brief in Support and Proposed Order.

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**April 5, 2018**

Board forwarded letter providing parties with available dates for an evidentiary hearing.

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**April 6, 2018**

Plaintiff filed via U.S. mail a letter advising that the parties are available for an evidentiary hearing on June 6, 2018 and reiterating its objection.

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**April 9, 2018**

Board rendered an Opinion and Order. Order as follows: **"AND NOW, this 9<sup>th</sup> day of April, 2018, the Motion for Reconsideration filed by U.S. Venture, Inc. is DENIED."** Copy forwarded to Plaintiff and Defendant.

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**April 10, 2018**

Plaintiff transmitted via facsimile a letter advising that the parties are available on August 23, 2018 for an evidentiary hearing, as well as reiterating its objection.

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**April 11, 2018**

Plaintiff filed additional copy (marked as Original) Motion for Reconsideration, Brief in Support and Proposed Order.

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**April 11, 2018**

Plaintiff transmitted via facsimile a letter advising that it made a mistake on its letter dated April 10, 2018 and advises that the parties are available on August 27, 2018 for an evidentiary hearing.

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**April 12, 2018**

Board rendered Order. Order as follows: "**AND NOW**, this 12<sup>th</sup> day of April, 2018, pursuant to recent correspondence from the parties, an evidentiary hearing to determine all factual issues pertinent to the Board's jurisdiction has been set for Monday, August 27, 2018. Said hearing shall be held at 200 North Third Street, Fulton Building, 6<sup>th</sup> 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 August 20, 2018." Copy forwarded to Plaintiff and Defendant.

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**April 12, 2018**

Plaintiff filed via U.S. mail a letter advising that the parties are available on August 23, 2018 for an evidentiary hearing, as well as reiterating its objection.

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**April 13, 2018**

Plaintiff filed via U.S. Mail a letter advising that it made a mistake on its letter dated April 10, 2018 and advises that the parties are available on August 27, 2018 for an evidentiary hearing.

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**April 16, 2018**

Defendant filed Acceptance of Service of Opinion and Order dated April 9, 2018. Receipt of same acknowledged April 10, 2018.

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**April 18, 2018**

Plaintiff filed Acceptance of Service of Opinion and Order dated April 9, 2018. Receipt of same acknowledged April 16, 2018.

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**April 23, 2018**

Plaintiff filed Acceptance of Service of Order dated April 17, 2018. Receipt of same April 17, 2018.

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**May 2, 2018**

Board rendered an Opinion and Order. Order as follows: "AND NOW, this 2<sup>nd</sup> day of May, 2018, Plaintiff, U.S. Venture, Inc.'s Motion for Oral Argument is **DENIED**." Copy forwarded to Plaintiff and Defendant.

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**May 9, 2018**

Plaintiff filed acceptance of service of Opinion and Order dated May 2, 2018. Receipt of same acknowledged May 7, 2018.

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**May 9, 2018**

Defendant filed acceptance of service of Opinion and Order dated May 4, 2018. Receipt of same acknowledged May 7, 2018.

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**August 17, 2018**

Plaintiff filed List of Exhibits and Witnesses.

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**August 20, 2018**

Defendant filed Substitution of Counsel Without Leave of Court entering appearance of Sean Campbell, Assistant Counsel and Michael Adams, Chief Counsel and withdrawing appearance of John M. Quain, Jr., Assistant Counsel on behalf of Defendant.

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**August 24, 2018**

Plaintiff filed Notice of Entry of Appearance of Todd R. Brown, Esquire of the firm of Pion, Nerone, Girman, Winslow & Smith, P.C. on behalf of Plaintiff.

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**August 24, 2018**

Plaintiff filed Supplemental Brief in Opposition to Defendants' Preliminary Objections to Plaintiff's Statement of Claim.

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**August 27, 2018**

Board held evidentiary hearing.

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**August 28, 2018**

Testimony of hearing held August 27, 2018 filed.

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**September 4, 2018**

Board issued letter establishing briefing schedule and forwarding a copy of testimony of hearing held August 27, 2018 to attorney for Defendant.

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**September 26, 2018**

Plaintiff filed Proposed Findings of Fact and Conclusions of Law and Brief.

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**October 19, 2018**

Defendants filed Motion for Extension of Time to File Brief for Defendants.

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**October 22, 2018**

Board rendered an Order. Order as follows: "**AND NOW**, this 22<sup>nd</sup> day of October, 2018, pursuant to Defendants' Motion for Extension of Time to File Brief for Defendants dated October 19, 2018, requesting a 14 day extension of time in which to file its proposed findings of fact, conclusions of law and legal brief in support, and the representation that Plaintiff's counsel has no objection thereto, it is hereby **ORDERED** and **DECREED** that Defendants' motion is **GRANTED**. Defendants' proposed findings of fact, conclusions of law and legal brief in support is now due on or before November 9, 2018." Copy forwarded to Plaintiff and Defendant.

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**October 24, 2018**

Plaintiff filed Acceptance of Service of Order dated October 22, 2018. Receipt of same acknowledged October 22, 2018.

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**October 25, 2018**

Defendant filed Acceptance of Service of Order dated October 22, 2018. Receipt of same acknowledged October 25, 2018.

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**November 9, 2018**

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

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**November 26, 2018**

Plaintiff filed Reply Brief to Defendant's Brief.

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**December 28, 2018**

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 28<sup>th</sup> day of December, 2018, upon consideration of the preliminary objections filed by the Defendants, Commonwealth Department of Community and Economic Development, Commonwealth Financing Authority, and Scott D. Dunkelburger, Executive Director of the Commonwealth Financing Authority, to the Statement of Claim filed by U.S. Venture, Inc., and in accordance with the foregoing Findings of Fact, Conclusions of Law and Discussion, it is hereby **ORDERED** and **DECREED** that the Defendants' preliminary objections are **SUSTAINED** and the Statement of Claim is **DISMISSED**." Copy forwarded to Plaintiff, Defendant and Attorney General.

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**January 4, 2019**

Defendant filed Acceptance of Service of Opinion and Order dated December 28, 2018. Receipt of same acknowledged January 2, 2019.

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**January 4, 2019**

Plaintiff filed Acceptance of Service of Opinion and Order dated December 28, 2018. Receipt of same acknowledged January 2, 2019.

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**January 23, 2019**

Attorney General filed Acceptance of Service of Opinion and Order dated December 28, 2018. Receipt of same acknowledged January 7, 2019.

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**January 28, 2019**

Commonwealth Court filed Notice of Filing Petition for Review. 78 CD 2019.

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**January 28, 2019**

Plaintiff filed Copy of Petition for Review (in the nature of an appeal) as filed in Commonwealth Court.

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**January 31, 2019**

Plaintiff filed copy of Docketing Statement as filed in Commonwealth Court.

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**March 6, 2019**

Board forwarded file to Commonwealth Court.

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**March 15, 2019**

Plaintiff filed Designation of Contents of Reproduced Record and Brief Statement of Issues Pursuant to Pa.R.A.P. 2154(a) as filed in Commonwealth Court.

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**April 18, 2019**

Plaintiff filed copy of Reproduced Record of Petitioner and Brief of Petitioner as filed in Commonwealth Court.

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**April 25, 2019**

Plaintiff filed copy of Reproduced Record of Petitioner and Brief of Petitioner as filed in Commonwealth Court.

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**June 5, 2019**

Plaintiff filed reply brief of petitioner as filed in Commonwealth Court.

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**February 19, 2020**

Commonwealth filed a copy of its Opinion and Order dated February 18, 2020. Order as follows: "AND NOW, this 18<sup>th</sup> day of February, 2020, the Pennsylvania Board of Claims' December 28, 2018 order is affirmed."

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**March 19, 2020**

Plaintiff filed copy of Petition for Allowance of Appeal as filed in Supreme Court.

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**March 27, 2020**

Supreme Court filed notice of Petition for Allowance of Appeal. 51 MAP 2020

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**September 11, 2020**

Plaintiff filed copy of Application for extension of time to file brief as filed in Supreme Court.

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**September 17, 2020**

Supreme Court filed a copy of its Order. Order as follow: "AND NOW, this 10<sup>th</sup> day of September, 2020, Appellant's application for extension of time is granted to the extent that Appellant's Brief and Reproduced Record shall be filed on or before October 14, 2020.

Further extension requests will not be entertained and will be denied."

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**October 19, 2020**

Plaintiff filed copy of Reproduced Record of Appellant and Brief for Appellant as filed in Supreme Court.

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**December 7, 2020**

Plaintiff filed copy of Reply Brief for Appellant as filed in Supreme Court.

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**December 28, 2020**

Plaintiff filed copy of Answer to Application for Leave to file a Sur-Reply Brief in Response to Appellant's Reply Brief as filed in Supreme Court.

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**July 23, 2021**

Supreme Court filed a copy of its Opinion/Judgment affirming the Board.

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**August 16, 2021**

File returned from Supreme Court.

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