

Docket Number: 4182

MBR CONSTRUCTION SERVICES, INC.

~~Shawn R. Farrell, Esquire~~
~~Joseph L. Sine, Esquire~~
Mr. Brendon Field, Owner/President
Paul T. DeVlieger, Esquire
Robert M. Dunn, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Charles Anderson, Chief Counsel~~
Harry R. Walter, III, Assistant Counsel

March 16, 2018

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$557,237.65+.

March 19, 2018

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

March 26, 2018

Attorney General filed acknowledgment of complaint form. Receipt of same acknowledged March 20, 2018.

April 16, 2018

Defendant filed Preliminary Objections and Brief in Support.

May 9, 2018

Plaintiff transmitted via facsimile a letter requesting a 20 day extension of time in which to file its response to preliminary objections as well as a joint stipulation to extend time.

May 10, 2018

Board forwarded letter to Plaintiff, with copy to Defendant, granting extension of time.

May 14, 2018

Plaintiff filed via U.S. Mail a letter requesting a 20 day extension of time in which to file its response to preliminary objections as well as a joint stipulation to extend time.

June 1, 2018

Plaintiff transmitted via facsimile a letter requesting an extension of time until June 20, 2018 in which to file its response to preliminary objections.

June 1, 2018

Board forwarded letter to Plaintiff, with copy to Defendant, granting extension of time.

June 4, 2018

Plaintiff filed via U.S. Mail a letter requesting an extension of time until June 20, 2018 in which to file its response to preliminary objections.

June 20, 2018

Plaintiff filed response to preliminary objections and brief in opposition.

June 28, 2018

Board forwarded letter to parties requesting dates for evidentiary hearing.

July 10, 2018

Defendant transmitted via facsimile a letter providing dates that the parties are available for an evidentiary hearing.

July 10, 2018

Defendant filed via U.S. Mail a letter providing dates that the parties are available for an evidentiary hearing.

July 13, 2018

Board rendered Order. Order as follows: "**AND NOW**, this 13th day of July, 2018, 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 MBR Construction Services, Inc. against the Commonwealth of Pennsylvania, Department of General Services has been set for Tuesday, October 23, 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 October 9, 2018." Copy forwarded to Plaintiff and Defendant.

July 17, 2018

Defendant filed Acceptance of Service of Order dated July 13, 2018. Receipt of same acknowledged July 16, 2018.

July 23, 2018

Plaintiff filed Acceptance of Service of Order dated July 13, 2018. Receipt of same acknowledged July 17, 2018.

August 29, 2018

Plaintiff filed a motion to withdraw as counsel and brief in support as well as proposed order.

August 29, 2018

Board forwarded letter, via facsimile & U.S. Mail, to Plaintiff requesting substitute counsel or contact person at MBR Construction Services, Inc.

August 30, 2018

Mr. Shawn Farrell, Esquire transmitted via facsimile a letter providing the Board with contact information for MBR Construction Services, Inc.

August 31, 2018

Board rendered Order. Order as follows: "**AND NOW**, this 31st day of August, 2018, upon consideration of the Motion to Withdraw as Counsel filed by counsel for Plaintiff in the above-captioned matter under docket date of August 29, 2018, the motion to withdraw is hereby **GRANTED**. Shawn R. Farrell, Esquire and Joseph L. Sine, Esquire are hereby granted leave to withdraw as counsel for MBR Construction Services, Inc.

Pursuant to the information provided by Mr. Farrell, all communication to Plaintiff will be directed as indicated below, unless and until otherwise advised in writing by Plaintiff:

Mr. Brendon Field, Owner/President
MBR Construction Services, Inc.
307 June Avenue
Blandon, PA 19510
(610) 413-0469."

Copy forwarded to all parties of record.

September 4, 2018

Mr. Shawn Farrell, Esquire filed via U.S. Mail a letter providing the Board with contact information for MBR Construction Services, Inc.

September 6, 2018

Defendant filed Acceptance of Service of Order dated August 31, 2018. Receipt of same acknowledged September 4, 2018.

September 10, 2018

Plaintiff (Mr. Farrell) filed Acceptance of Service of Order dated August 31, 2018. Receipt of same acknowledged September 7, 2018.

October 9, 2018

Plaintiff filed Entry of Appearance of Paul T. DeVlieger, Esquire and Robert M. Dunn, Esquire on behalf of Plaintiff.

October 9, 2018

Plaintiff filed Exhibit List and Witness List.

October 10, 2018

Defendant transmitted via facsimile a letter advising that it intends to use the exhibits identified by Plaintiff and intends to call Deputy Secretary Elizabeth O'Reilly to testify.

October 11, 2018

Defendant filed via U.S. mail a letter advising that it intends to use the exhibits identified by Plaintiff and intends to call Deputy Secretary Elizabeth O'Reilly to testify.

October 23, 2018

Board held Evidentiary Hearing on October 23, 2018.

October 25, 2018

Testimony of hearing held October 23, 2018 filed. LAST DAY

October 25, 2018

Board issued letter establishing briefing schedule and forwarding a copy of testimony of hearing held October 23, 2018 to attorney for Defendant. LAST DAY

October 30, 2018

Defendant filed Acceptance of Service of testimony dated October 25, 2018. Receipt of same acknowledged October 30, 2018.

November 5, 2018

Plaintiff filed Findings of Fact and Conclusions of Law.

November 19, 2018

Defendant transmitted via facsimile a letter requesting an extension of time until November 21, 2018 in which to file its post-hearing briefing.

November 19, 2018

Board forwarded letter, via Facsimile & U.S. Mail, to Defendant, with copy to Plaintiff, granting extension of time.

November 21, 2018

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

December 20, 2018

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 20th day of December, 2018, upon consideration of DGS's Preliminary Objections and Brief, Plaintiff MBR's Response and Brief in Opposition, the evidentiary hearing held on October 23, 2018, and Proposed Findings of Fact, Conclusions of Law and Briefs filed by the parties, it is hereby **ORDERED** and **DECREED** that the Preliminary Objections are **SUSTAINED**, and MBR's Statement of Claim (Complaint) filed March 16, 2018, is **DISMISSED**." Copy forwarded to Plaintiff and Defendant and Attorney General.

December 21, 2018

Defendant filed Acceptance of Service of Opinion and Order dated December 20, 2018. Receipt of same acknowledged December 20, 2018.

January 4, 2019

Attorney General filed Acceptance of Service of Opinion and Order dated December 20, 2018. Receipt of same acknowledged December 27, 2018.
