

(CONSOLIDATED WITH 4239)

Docket Number: 4203

CHERRY HILL CONSTRUCTION, INC.

C. Grainger Bowman, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~Jason D. Sharp, Chief Counsel~~
~~Jeffrey W. Davis, Deputy Chief Counsel~~
Jason M. Wolgemuth, Assistant Counsel
Shelly R. Smith, Esquire

December 3, 2019

Plaintiff filed Statement of Claim, proof of mailing and filing fee. Amount of Claim: \$24,214,568.00+.

December 4, 2019

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

December 12, 2019

Attorney General filed acknowledgment of statement of claim form dated December 4, 2019. Receipt of same acknowledged December 9, 2019.

January 2, 2020

Defendant filed Answer with New Matter.

January 3, 2020

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

February 5, 2020

Plaintiff filed Reply to New Matter.

February 6, 2020

Board forwarded letter directing parties to proceed with discovery.

August 28, 2020

Plaintiff filed Motion for Entry of Protective Order or Alternatively a Protective Order and Non-Disclosure Agreement and Brief in Support as well as Affidavit of Henry Cheung, P.E.

August 31, 2020

Board forwarded letter, via facsimile & U.S. Mail to Defendant, with copy to Plaintiff, requesting response to motion.

September 17, 2020

Defendant filed Brief in Opposition to Motion for Entry of a Protective Order or Alternatively a Protective Order and Non-Disclosure Agreement.

September 29, 2020

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 29th day of September 2020, upon consideration of the Motion for Entry of Protective Order or Alternatively, a Protective Order and Non-Disclosure Agreement filed by Cherry Hill Construction, Inc., and the response thereto filed by the Commonwealth of Pennsylvania, Department of Transportation, the Board of Claims hereby **GRANTS, IN PART,** the motion and adopts the attached Protective Order and Non-Disclosure Agreement in this matter." Copy forwarded to Plaintiff and Defendant.

October 5, 2020

Plaintiff filed acceptance of service of Opinion and Order dated September 29, 2020. Receipt of same acknowledged September 30, 2020.

January 5, 2021

Plaintiff filed Notice of Service of Interrogatories and Notice of Service of Requests for Production.

November 10, 2022

Plaintiff requested via facsimile a Subpoena 4009.21 - to produce documents.

November 10, 2022

Plaintiff requested via U.S. mail a Subpoena 4009.21 - to produce documents.

November 10, 2022

Board forwarded Subpoena 4009.21 - to produce document dated November 10, 2022 to Plaintiff.

December 19, 2022

Plaintiff filed Certificate Prerequisite to Service of a Subpoena pursuant to Rule 4009.22.

December 19, 2022

Plaintiff requested via U.S. mail 2 Subpoenas 234.1 - to attend with duces tecum.

December 20, 2022

Board forwarded 2 Subpoena 234.1 - to attend duces tecum dated November 10, 2022 to Plaintiff.

September 11, 2023

Plaintiff requested via U.S. mail 2 Subpoenas 234.1 - to attend with duces tecum.

September 13, 2023

Board forwarded 2 Subpoena 234.1 - to attend duces tecum dated September 13, 2023 to Plaintiff.

September 14, 2023

Plaintiff filed Notice of Service of Notice of Deposition of Dan Woodall.

September 14, 2023

Plaintiff filed Notice of Service of Notice of Deposition of Vaughn N. Schlachter.

October 10, 2023

Plaintiff filed Motion for Judicial Status Conference for Discovery and for the Order of a Case Management Plan and Proposed Order.

October 11, 2023

Board forwarded letter to parties regarding Plaintiff's motion for judicial status conference.

October 18, 2023

Plaintiff filed a Joint Motion for Consolidation and Proposed Order.

October 20, 2023

Board rendered Order. Order as follows: "**AND NOW**, this 20th day of October, 2023, upon consideration of the Joint Motion to Consolidate filed by Plaintiff, Cherry Hill Construction, Inc. and concurred in by Defendant, Commonwealth of Pennsylvania, Department of Transportation, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED** and the above cases are **CONSOLIDATED** under Docket Number 4203 for all purposes, including discovery and hearing." Copy forwarded to all parties of record.

October 26, 2023

Defendant filed acceptance of service of Order dated October 20, 2023. Receipt of same acknowledged October 24, 2023.

October 27, 2023

Board forwarded letter to parties requesting proposed scheduling dates.

October 31, 2023

Defendant filed its response in opposition to Plaintiff's motion for judicial status conference for discovery and for the order of a case management plan and proposed order.

November 7, 2023

Plaintiff filed its response to Board's request for proposed scheduling dates as well as a proposed order.

November 9, 2023

Defendant filed its proposed scheduling order.

December 4, 2023

Board scheduled a teleconference for Wednesday, January 24, 2024 at 10:00 a.m.

January 24, 2024

Board held teleconference.

March 28, 2024

Plaintiff filed Notice of Service of Plaintiff's Supplemental Responses to Defendant's First Set of Interrogatories and Supplemental Response to Defendant's First Set of Document Requests.
