

Docket Number: 4204

**AP CONSTRUCTION, INC.**

John F. Palladino, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
PHILADELPHIA REGIONAL PORT AUTHORITY**

~~Colette Pete, Esquire~~  
Francis X. Crowley, Esquire  
Samuel M. Ventresca, Esquire

**December 12, 2019**

Plaintiff filed Statement of Claim, proof of mailing and filing fee. Amount of Claim: UNKNOWN.

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**December 13, 2019**

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

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**December 20, 2019**

Attorney General filed acknowledgment of statement of claim form dated December 13, 2019. Receipt of same acknowledged December 19, 2019.

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**January 9, 2020**

Defendant filed letter advising that the parties have agreed to a 30 day extension of time for Defendant to file its answer to statement of claim.

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**January 9, 2020**

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

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**February 12, 2020**

Defendant filed Preliminary Objections and Memorandum of Law as well as Proposed Order.

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**February 12, 2020**

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

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**February 19, 2020**

Board forwarded, via Facsimile & U.S. Mail, letter to Plaintiff requesting specific documents be attached with exhibits in its response to preliminary objections.

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**March 13, 2020**

Plaintiff filed Answer to Preliminary Objections and Brief in Support.

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**March 30, 2020**

Plaintiff filed Notice of Service of its First Set of Requests of Production and First Set of Interrogatories.

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**April 3, 2020**

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 3<sup>rd</sup> day of April, 2020, upon consideration of the Preliminary Objections filed by Defendant, Philadelphia Regional Port Authority and the response thereto filed by A.P. Construction, Inc., pursuant to Pa.R.C.P. 1028(a)(7), the Board of Claims hereby **GRANTS** the Preliminary Objection for failure to exhaust administrative remedies and **DISMISSES** the Claim **WITHOUT PREJUDICE**. Copy forwarded to Plaintiff and Defendant.

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