

Docket Number: 4246

**RYLIND CONSTRUCTION COMPANY, INC.**

Paul A. Logan, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

~~Jason D. Sharp, Chief Counsel~~  
~~Seth F. Bortner, Assistant Counsel~~  
Jason M Wolgemuth, Assistant Counsel  
Kira M. Swartzlander, Assistant Counsel

**August 3, 2022**

Plaintiff filed Complaint, proof of mailing and filing fee. Amount of Claim: \$639,835.95+.

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**August 8, 2022**

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

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**August 19, 2022**

Attorney General filed Acknowledgment of Complaint form. Receipt of same acknowledged August 15, 2022.

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**August 30, 2022**

Defendant filed Preliminary Objections and Brief in Support.

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**August 31, 2022**

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

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**September 27, 2022**

Plaintiff filed Answer in Opposition to Preliminary Objections.

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**October 27, 2022**

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 27<sup>th</sup> day of October, 2022, upon consideration of the Claim filed by Rylind Construction Company, Inc. (Claimant), the Preliminary Objections filed by the Commonwealth of Pennsylvania, Department of Transportation (Respondent), and the response thereto, and in consideration of the foregoing, the Board of Claims hereby **ORDERS** Claimant to file an Amended Statement of Claim within twenty (20) days of the date of this Order." Copy forwarded to Plaintiff and Defendant.

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**November 1, 2022**

Defendant filed acceptance of service of Opinion and Order dated October 27, 2022. Receipt of same acknowledged November 1, 2022.

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**November 1, 2022**

Plaintiff filed acceptance of service of Opinion and Order dated October 27, 2022. Receipt of same acknowledged October 31, 2022.

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**\*November 14, 2022**

Plaintiff filed Amended Complaint and proof of mailing. Amount of Claim: \$639,835.95+.

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**November 15, 2022**

Board issued Acknowledgment letter requesting response from Defendant and forwarding copy of Amended Complaint to Attorney General.

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**December 2, 2022**

Attorney General filed Acknowledgment of Amended Complaint form. Receipt of same acknowledged November 28, 2022.

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**December 12, 2022**

Defendant filed Answer with New Matter.

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**December 14, 2022**

Board forwarded letter to Plaintiff, with copy to Defendant, requesting response to New Matter.

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**December 30, 2022**

Plaintiff filed reply to new matter.

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**January 3, 2023**

Board forwarded letter to parties directing parties to commence with discovery.

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**August 22, 2023**

Defendant filed a Praecipe for Entry of Appearance requesting to enter the appearance of Jason M. Wolgemuth, Assistant Counsel and withdrawing the appearance of Seth F. Bortner, on behalf of Defendant.

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**November 18, 2024**

Defendant filed a Praecipe for Entry of Appearance requesting to enter the appearance of Kira M. Swartzlander, Assistant Counsel, on behalf of Defendant.

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**June 18, 2025**

Defendant filed a Motion to Compel Answers to Discovery Requests and the Production of Requested Documents Pursuant to Pa. R.Civ.P. 4019.

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**June 20, 2025**

Board forwarded letter to Plaintiff requesting response to Defendant's Motion to Compel.

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**July 18, 2025**

Plaintiff filed response to motion to compel.

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**July 21, 2025**

Defendant filed a letter regarding limited access to all production of documents and requests that the motion to compel no be rendered moot yet.

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**July 22, 2025**

Plaintiff filed a letter in response to Defendant's letter advising that they are working on correcting the issue and will have a complete production sent to Defendant as soon as possible.

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**August 20, 2025**

Defendant filed a letter advising that its motion to compel should not be rendered moot.

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**August 21, 2025**

Plaintiff filed a letter in response to Defendant's letter of August 20, 2025 regarding the motion to compel.

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**August 27, 2025**

Plaintiff filed a follow-up letter regarding the motion to compel.

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**September 3, 2025**

Defendant filed a letter advising that its motion to compel has been resolved.

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**September 4, 2025**

Board rendered an Order. Order as follows: "**AND NOW**, this 4<sup>th</sup> day of September, 2025, upon consideration of the Motion to Compel Answers to Discovery Request and the Production of Requested Documents Pursuant to Pa. R. Civ. P. 4019 filed by the Commonwealth of Pennsylvania, Department of Transportation (Respondent) on June 18, 2025, and subsequent correspondence from the parties, including a letter from Respondent dated and received September 3, 2025, it appears to the Board that Respondent's motion to compel is **MOOT**. Therefore, said motion to compel is hereby **DISMISSED**." Copy forwarded to Plaintiff and Defendant.

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**September 10, 2025**

Defendant filed acceptance of service of Order dated September 4, 2025. Receipt of same acknowledged September 10, 2025.

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**November 17, 2025**

Defendant filed Certificate of Service for Defendant's Responses and Objections to Plaintiff's First Request for Production of Documents and Defendant's Responses and Objections to Plaintiff's First Set of Interrogatories.