

Docket Number: 4248

DVR PHILLY, LLC

Kenneth W. Lee, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
PHILADELPHIA REGIONAL PORT AUTHORITY  
a/k/a PHILAPORT

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

**September 1, 2022**

Plaintiff filed Statement of Claim, proof of mailing (Affidavit of Service) and filing fee. Amount of Claim: UNSPECIFIED.

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**September 2, 2022**

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

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**September 15, 2022**

Attorney General filed acknowledgment of claim form dated August 31, 2022. Receipt of same acknowledged September 12, 2022.

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**October 3, 2022**

Defendant filed Preliminary Objections and Memorandum of Law.

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**October 5, 2022**

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

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**October 24, 2022**

Plaintiff transmitted via facsimile a letter advising that Defendant has granted Plaintiff an extension of time until November 4, 2022 in which to file its response to Preliminary Objections.

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**October 26, 2022**

Board issued letter to Plaintiff, with copy to Defendant granting extension of time until November 4, 2022 for Plaintiff to file its response to preliminary objections.

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**October 27, 2022**

Plaintiff filed via facsimile a letter advising that Defendant has granted Plaintiff an extension of time until November 4, 2022 in which to file its response to Preliminary Objections.

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**November 4, 2022**

Plaintiff filed Answer and Brief in Opposition to Defendant's Preliminary Objections.

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**November 18, 2022**

Defendant filed Reply Brief in Support of its Preliminary Objections.

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**November 21, 2022**

Plaintiff transmitted via facsimile a letter advising that Defendant granted Plaintiff an extension of time until December 2, 2022 in which to file a sur-reply brief to Defendant's reply brief.

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**November 23, 2022**

Plaintiff filed via U.S. mail a letter advising that Defendant granted Plaintiff an extension of time until December 2, 2022 in which to file a sur-reply brief to Defendant's reply brief.

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**December 2, 2022**

Plaintiff filed sur-reply brief in opposition to preliminary objections.

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**December 13, 2022**

Defendant filed a response to Plaintiff's sur-reply in opposition to preliminary objections.

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**December 27, 2022**

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 27<sup>th</sup> day of December, 2022, upon consideration of the Statement of Claim filed by Claimant DVR Philly, Inc. ("DVR"); Preliminary Objections and Memorandum of Law filed by Respondent Philadelphia Regional Port Authority ("PhilaPort"); DVR's Answer to the Preliminary Objections and Brief in Opposition to Preliminary Objections; PhilaPort's Reply in Support of Preliminary Objections and Brief; DVR's Sur-Reply Brief in Opposition to the Preliminary Objections; and PhilaPort's Response to the Sur-Reply, the Board of

Claims hereby **SUSTAINS** PhilaPort's objections based on Pa.R.C.P. 1028(a)(2) and (3). Accordingly, it is **ORDERED** and **DECREED** that DVR's Claim is **DISMISSED**, and DVR is **GRANTED** leave to file an amended statement of claim in conformance with this Opinion and Order within 30 days of the date of this Order." Copy forwarded to Plaintiff and Defendant.

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**January 5, 2023**

Defendant filed acceptance of service of Opinion and Order dated December 27, 2022. Receipt of same acknowledged January 3, 2023.

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**January 6, 2023**

Plaintiff filed acceptance of service of Opinion and Order dated December 27, 2022. Receipt of same acknowledged January 4, 2023.

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**January 24, 2023**

Plaintiff filed a Stipulation for Extension to File Amended Complaint and proposed order.

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**January 25, 2023**

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

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**February 6, 2023**

Plaintiff filed a second joint Stipulation for Extension to File Amended Complaint.

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**February 7, 2023**

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

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**March 1, 2023**

Plaintiff filed a third joint Stipulation for Extension to File Amended Complaint.

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**March 2, 2023**

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

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**March 31, 2023**

Plaintiff filed a fourth joint Stipulation for Extension to File Amended Complaint.

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**April 3, 2023**

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

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**May 2, 2023**

Plaintiff filed a fifth joint Stipulation for Extension to File Amended Complaint.

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**May 3, 2023**

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

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**June 2, 2023**

Plaintiff filed a sixth joint Stipulation for Extension to File Amended Complaint.

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**June 5, 2023**

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

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**June 29, 2023**

Plaintiff filed a seventh joint Stipulation for Extension to File Amended Complaint.

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**June 30, 2023**

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

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**September 5, 2023**

Plaintiff filed an eighth joint Stipulation for Extension to File Amended Complaint.

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**September 6, 2023**

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

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**October 10, 2023**

Plaintiff filed a ninth joint Stipulation for Extension to File Amended Complaint.

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**October 11, 2023**

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

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**November 13, 2023**

Plaintiff filed a tenth joint Stipulation for Extension to File Amended Complaint.

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**November 15, 2023**

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

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**December 11, 2023**

Plaintiff filed an eleventh joint Stipulation for Extension to File Amended Complaint.

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**December 13, 2023**

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

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**February 12, 2024**

Plaintiff filed a twelfth joint stipulation for extension to file Amended Complaint.

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**February 12, 2024**

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

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**March 11, 2024**

Plaintiff filed a thirteenth joint stipulation for extension to file Amended Complaint.

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**March 12, 2024**

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

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**April 18, 2024**

Plaintiff filed a fourteenth joint stipulation for extension to file Amended Complaint.

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**April 19, 2024**

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

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**May 30, 2024**

Plaintiff filed a fifteenth joint stipulation for extension to file Amended Complaint.

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**May 31, 2024**

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

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**July 5, 2024**

Plaintiff filed a sixteenth joint stipulation for extension to file Amended Complaint.

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**July 9, 2024**

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

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**August 7, 2024**

Plaintiff filed a seventeenth joint stipulation for extension to file Amended Complaint.

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**August 7, 2024**

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

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**September 10, 2024**

Plaintiff filed an eighteenth joint stipulation for extension to file Amended Complaint.

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**September 11, 2024**

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

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**October 10, 2024**

Plaintiff filed a nineteenth joint stipulation for extension to file Amended Complaint.

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**October 11, 2024**

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

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**November 12, 2024**

Plaintiff filed a twentieth joint stipulation for extension to file Amended Complaint.

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**November 13, 2024**

Defendant filed a letter providing change of address.

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**November 13, 2024**

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

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**December 12, 2024**

Plaintiff filed a twenty-first joint stipulation for extension to file Amended Complaint.

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**December 13, 2024**

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

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**February 10, 2025**

Plaintiff filed a twenty-second joint stipulation for extension to file Amended Complaint.

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**February 11, 2025**

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

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**March 16, 2025**

Plaintiff filed a twenty-third joint stipulation for extension to file Amended Complaint.

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**March 17, 2025**

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

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