

Docket Number: 4250

EARTHMOVERS UNLIMITED, INC.

David E. White, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

~~Diana Stares, Chief Counsel~~
Joseph S. Cigan, III, Esquire

September 30, 2022

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

October 4, 2022

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

October 24, 2022

Attorney General filed acknowledgment of claim form dated October 4, 2022. Receipt of same acknowledged October 17, 2022.

October 31, 2022

Defendant filed Preliminary Objections and Brief in Support.

November 2, 2022

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

November 30, 2022

Plaintiff filed Answer to Preliminary Objections, Brief in Opposition and Proposed Order.

January 13, 2023

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 13th day of January 2023, upon consideration of the Statement of Claim filed by Earthmovers Unlimited, Inc., the Preliminary Objections to Statement of Claim and supporting brief filed by the Commonwealth of Pennsylvania, Department of Environmental Protection, and the Answer to Defendant's Preliminary Objections and supporting brief, the Board of Claims hereby **ORDERS** and **DECREES** that the preliminary objections are **OVERRULED**. The Commonwealth shall file its Answer to the Statement of Claim within 30 days of the date of this Opinion and Order." Copy forwarded to Plaintiff and Defendant.

January 23, 2023

Defendant filed acceptance of service of Opinion and Order dated January 13, 2023. Receipt of same acknowledged January 19, 2023.

February 13, 2023

Defendant filed Answer and New Matter.

February 16, 2023

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

March 6, 2023

Plaintiff filed reply to new matter.

March 7, 2023

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