

Docket Number: 4259

WEST CHESTER UNIVERSITY OF THE PENNSYLVANIA STATE SYSTEM OF
HIGHER EDUCATION

William D. Clifford, Esquire
Rosalyn Guy-McCorkle, Esquire

VS.

BORO DEVELOPERS, INC. d/b/a BORO CONSTRUCTION

AND

LIBERTY MUTUAL INSURANCE COMPANY

Mason Avrigian, Jr., Esquire
Jeffrey P. Wallack, Esquire

August 30, 2023

Plaintiff filed Complaint, proof of mailing and filing fee. Amount of Claim: UNSPECIFIED

September 5, 2023

Board issued Acknowledgment letter requesting response from Defendants.

September 13, 2023

Defendants filed entry of appearance of Mason Avrigian, Jr., Esquire and Jeffrey P. Wallack, Esquire, on behalf of Defendants.

September 20, 2023

U.S. Post Office returned Acknowledgment Letter addressed to Liberty Mutual Insurance Company due to address change and forwarding time expiration.

September 29, 2023

Defendants filed preliminary objections, memorandum of law and proposed order.

***October 23, 2023**

Plaintiff filed Amended Complaint. Amount: UNSPECIFIED

October 25, 2023

Board issued Acknowledgment letter requesting response from Defendants.

October 25, 2023

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 25th day of October, 2023, the Preliminary Objections filed by the Defendants on September 29, 2023, are hereby **DISMISSED** as **MOOT."** Copy forwarded to all parties of record.

November 1, 2023

Plaintiff filed acceptance of service of Opinion and Order dated October 25, 2023. Receipt of same acknowledged October 27, 2023.

November 1, 2023

Defendant filed acceptance of service of Opinion and Order dated October 25, 2023. Receipt of same acknowledged October 31, 2023.

November 20, 2023

Defendant filed preliminary objections, memorandum of law and proposed order.

November 21, 2023

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

December 14, 2023

Plaintiff filed Response in Opposition to Preliminary Objections and Memorandum of Law.

January 25, 2024

Defendant filed a letter advising of change of address for Post & Schell, P.C.

January 29, 2024

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 29th day of January, 2024, upon consideration of the amended complaint filed by West Chester University of the Pennsylvania State System of Higher Education (Claimant) on October 23, 2023; the preliminary objections and supporting brief filed by Boro Developers, Inc. and Liberty Mutual Insurance Company (Respondents); and the response and brief filed by Claimant, it is hereby **ORDERED** and **DECREED** as follows: 1. Respondents' preliminary objection to count II of the amended complaint is **SUSTAINED**. Count II is dismissed pursuant to Pa. R.C.P. 1028(a)(4). 2. Respondents' preliminary objection to count V of the amended complaint is **SUSTAINED**. Count V is dismissed pursuant to Pa. R.C.P. 1028(a)(1).

3. Respondents' preliminary objection to count VI of the amended complaint is **SUSTAINED**, in part, and Count VI is dismissed in part to the extent that it seeks recovery based on the assigned claims set forth at count II pursuant to Pa. R.C.P. 1028(a)(4). 4. Respondents shall have twenty (20) days from the date of service of this order to file an answer to the amended complaint." Copy forwarded to all parties of record.

February 5, 2024

Defendant filed acceptance of service of Opinion and Order dated January 29, 2024. Receipt of same acknowledged February 1, 2024.

February 5, 2024

Plaintiff filed acceptance of service of Opinion and Order dated January 29, 2024. Receipt of same acknowledged February 1, 2024.

February 16, 2024

Defendants filed an Answer and New Matter to Amended Complaint.

February 21, 2024

Board forwarded letter to Plaintiff requesting response to New Matter.

March 4, 2024

Plaintiff filed Reply to New Matter.

March 4, 2024

Plaintiff filed notice of service of first interrogatories and requests for production of documents directed to Boro Construction.

March 4, 2024

Plaintiff filed notice of service of first interrogatories and requests for production of documents directed to Liberty Mutual Insurance Company.

March 5, 2024

Board forwarded letter directing parties to proceed with discovery.
