

Docket Number: 4262

WHEELER FLEET SOLUTIONS, CO.

Farinaz Tehrani, Chief Legal Officer & Secretary

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~Jeffrey M. Spotts, Chief Counsel~~
Victoria P. Edwards, Assistant Counsel

December 12, 2023

Plaintiff filed Claim. Amount of Claim: unknown.

December 13, 2023

Board issued deficiency notice to Plaintiff. Claim lacks filing fee, verification, proof of mailing and 3 copies.

December 26, 2023

Plaintiff filed filing fee, verification, proof of mailing, 3 additional copies and a copy of an additional letter addressed to Defendant.

December 29, 2023

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

January 3, 2024

Defendant filed Preliminary Objections and Brief in Support.

January 17, 2024

Attorney General filed acknowledgement of claim form. Receipt of same acknowledged January 2, 2024.

February 7, 2024

Defendant filed a Praecipe to Dismiss.

February 9, 2024

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

April 3, 2024

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 3rd day of April, 2024, upon consideration of the statement of claim filed by Wheeler Fleet Solutions, Co. (Wheeler) on December 12, 2023, the preliminary objections and supporting brief filed by the Commonwealth of Pennsylvania, Department of Transportation (PennDOT) on January 3, 2024, and the Praeceptum to Dismiss filed by PennDOT on February 7, 2024, which Wheeler has failed to contest, it is hereby **ORDERED** and **DECREED** as follows: 1. PennDOT's preliminary objections 1, 2, 4, and 5 are **SUSTAINED**. 2. PennDOT's preliminary objection 3 is **OVERRULED**. 3. PennDOT's preliminary objection 6 is **SUSTAINED IN PART**. The letter addressed to State Senator Langerholc is stricken from the statement of claim. 4. The statement of claim is **DISMISSED** without prejudice to file an amended claim that complies with the Board of Claims Rules of Procedure and the Pennsylvania Rules of Civil Procedure within 20 days of the date of service of this order." Copy forwarded to Plaintiff and Defendant.

April 16, 2024

Defendant filed acceptance of service of Opinion and Order dated April 3, 2024. Receipt of same acknowledged April 8, 2024.
