

Docket Number: 4263
(Consolidated into 4259)

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

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

VS.

**WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF
HIGHER EDUCATION, COMMONWEALTH OF PENNSYLVANIA**

~~Cathleen McCormack, Acting Chief Counsel~~
William D. Clifford, Esquire

January 5, 2024

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$50,000+.

January 10, 2024

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

January 25, 2024

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

February 6, 2024

Defendant filed Preliminary Objections and Memorandum of Law.

February 7, 2024

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

February 16, 2024

Attorney General filed acknowledgment of claim form. Receipt of same acknowledged January 30, 2024.

March 4, 2024

Plaintiff filed Answer in Opposition to Preliminary Objections and Memorandum of Law as well as Proposed Order.

April 3, 2024

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 3rd day of April, 2024, upon consideration of the statement of claim filed by Boro Developers, Inc. d/b/a Boro Construction (Boro) on January 5, 2024; the preliminary objections and supporting brief filed by West Chester University of Pennsylvania of the State System of Higher Education, Commonwealth of Pennsylvania (West Chester) on February 6, 2024; and the response and brief in

opposition filed by Boro on March 4, 2024, it is hereby **ORDERED** and **DECREED** as follows:

1. West Chester's preliminary objection to count I of the statement of claim is **OVERRULED**.

2. West Chester's preliminary objection to count II of the statement of claim is **OVERRULED**.

3. West Chester's preliminary objection to count III of the statement of claim is **OVERRULED**.

4. West Chester shall have twenty (20) days from the date of service of this order to file an answer to the statement of claim." Copy forwarded to all parties of record.

April 16, 2024

Plaintiff filed acceptance of service of Opinion and Order dated April 3, 2024. Receipt of same acknowledged April 9, 2024.

April 16, 2024

Defendant filed acceptance of service of Opinion and Order dated April 3, 2024. Receipt of same acknowledged April 9, 2024.

April 26, 2024

Defendant filed Answer, New Matter and Counterclaim.

April 30, 2024

Board issued Acknowledgment letter requesting a response from Plaintiff and forwarding a copy of the Answer, New Matter and Counterclaim to Attorney General.

May 8, 2024

Attorney General filed acknowledgment of Answer, New Matter and Counterclaim form. Receipt of same acknowledged May 7, 2024.

May 14, 2024

Plaintiff filed Reply to Matter and Answer and New Matter to Counterclaim.

May 16, 2024

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

May 20, 2024

Defendant filed Reply to New Matter to Counterclaim.

May 22, 2024

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

May 23, 2024

Plaintiff transmitted via facsimile a letter requesting consolidation of docket numbers 4259 and 4263 and requesting scheduling order and provided Joint Proposed Scheduling Order.

May 23, 2024

Plaintiff filed Joint Motion to Consolidate docket numbers 4259 and 4263 and proposed order.

May 28, 2024

Plaintiff filed via U.S. Mail a letter requesting consolidation of docket numbers 4259 and 4263 and requesting scheduling order and provided Joint Proposed Scheduling Order.

May 31, 2024

Board rendered an Order. Order as follows: **"AND NOW**, this 31st day of May, 2024, upon consideration of the parties' Joint Motion to Consolidate, and for good cause shown, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED**, and the above cases are **CONSOLIDATED** under Docket Number 4259 for all purposes, including discovery and hearing." Copy forwarded to Plaintiff and Defendant.

June 10, 2024

Boro Developers filed acceptance of service of Order dated May 31, 2024. Receipt of same acknowledged June 6, 2024.
