

Docket Number: 4266

THE EXTERIOR COMPANY, INC.

Jeffrey C. Bright, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR & INDUSTRY,
STATE WORKERS' INSURANCE FUND**

~~Sheilah Tone, Deputy Chief Counsel~~
John O'Boyle, Assistant Counsel

April 25, 2024

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$99,069.94+.

April 29, 2024

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

May 8, 2024

Attorney General filed acknowledgment of claim form. Receipt of same acknowledged May 7, 2024.

May 24, 2024

Defendant filed Preliminary Objections and Brief in Support.

May 24, 2024

Defendant filed additional copy of Preliminary Objections and Brief in Support.

May 28, 2024

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

June 24, 2024

Plaintiff filed Answer to Preliminary Objections and Brief in Opposition.

November 13, 2024

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 13th day of November, 2024, upon consideration of the statement of claim filed by The Exterior Company, Inc. (TEC) on April 25, 2024; the preliminary objections and supporting brief filed by Commonwealth of Pennsylvania, Department of Labor & Industry, State Workers' Insurance Fund (SWIF) on May 24, 2024; and the response and brief filed by TEC on June 24, 2024, it is hereby **ORDERED** and **DECREED** as follows: 1. SWIF's first preliminary objection is **OVERRULED**. 2. SWIF's second preliminary objection is **SUSTAINED IN PART**. Any request for declaratory relief pursuant to 42 Pa. C.S. § 7532, implied or otherwise, is stricken from count II pursuant to Pa. § 1028(a)(8). 3. SWIF's third preliminary objection is **OVERRULED**. 4. SWIF's fourth preliminary objection is **OVERRULED**. 5. SWIF's fifth preliminary objection is **OVERRULED**. 6. SWIF's sixth preliminary objection is **SUSTAINED**. Count V is dismissed pursuant to Pa. R.C.P. 1028(a)(4). 7. SWIF 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 Plaintiff and Defendant.

December 2, 2024

Plaintiff filed acceptance of service of Opinion and Order dated November 13, 2024. Receipt of same acknowledged November 20, 2024.

December 2, 2024

Defendant filed acceptance of service of Opinion and Order dated November 13, 2024. Receipt of same acknowledged November 19, 2024.

December 3, 2024

Defendant filed Answer and New Matter to Plaintiff's Statement of Claim.

December 4, 2024

Board forwarded letter to Plaintiff requesting response to New Matter.

January 22, 2025

Plaintiff filed letter advising of change of address.
