

Docket Number: 4269

EUROVIA ATLANTIC COAST, LLC

Kenneth W. Lee, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

Jeffrey Spotts, Chief Counsel
Matthew A. Sembach, Assistant Counsel

August 7, 2024

Plaintiff filed Statement of Claim, affidavit of service and filing fee. Amount of Claim: \$243,202.13+.

August 9, 2024

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

August 19, 2024

Plaintiff filed Affidavit of Completed Service.

August 22, 2024

Attorney General filed Acknowledgement of Statement of Claim. Receipt of same acknowledged August 19, 2024.

August 26, 2024

Defendant filed Praecipe for Entry of Appearance of Matthew A. Sembach, Assistant Counsel on behalf of Defendant.

August 26, 2024

Defendant filed Answer with New Matter.

August 28, 2024

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

September 4, 2024

Defendant filed Amended Answer with New Matter.

September 5, 2024

Board forwarded letter to Plaintiff, with copy to Defendant, requesting response to Amended Answer with New Matter.

September 18, 2024

Plaintiff filed Reply to Amended New Matter.

September 19, 2024

Board forwarded letter to parties directing them to proceed with discovery.

October 29, 2024

Defendant filed Defendant's First Request for Production of Documents and First Set of Interrogatories.

April 3, 2025

Plaintiff filed Notice of Service of Plaintiff's Discovery Responses.

April 4, 2025

Plaintiff filed Notice of Service of Plaintiff's Amended Discovery Responses.

April 14, 2025

Defendant filed a motion to compel production of documents pursuant to Pa. R.C.P. 4019 and brief in support.

April 15, 2025

Board forwarded letter to Plaintiff requesting response to Defendant's motion to compel.

May 14, 2025

Plaintiff filed its reply and brief in opposition to Defendant's motion to compel.

June 4, 2025

Plaintiff transmitted via facsimile a letter advising if the Board should desire, Plaintiff is available for an oral argument at the Board's convenience.

June 9, 2025

Plaintiff filed via U.S. mail a letter advising if the Board should desire, Plaintiff is available for an oral argument at the Board's convenience.

June 11, 2025

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 11th day of June, 2025, upon consideration of the Motion to Compel Production of Documents Pursuant to Pa. R.C.P. 4019 and the Brief in Support filed by the Commonwealth of Pennsylvania, Department of Transportation on April 14, 2025, and the Reply and Brief in Opposition filed by Eurovia Atlantic Coast, LLC, on May 14, 2025, it is hereby **ORDERED** that the Motion to Compel is **DENIED.**" Copy forwarded to Plaintiff and Defendant.

June 16, 2025

Defendant filed letter advising that it concurs with Plaintiff.

June 17, 2025

Defendant filed acceptance of service of Opinion and Order dated June 11, 2025. Receipt of same acknowledged June 17, 2025.

June 23, 2025

Plaintiff filed acceptance of service of Opinion and Order dated June 11, 2025. Receipt of same acknowledged June 17, 2025.

October 14, 2025

Plaintiff filed praecipe to settle and discontinue.

October 15, 2025

Board rendered an Order. Order as follows: "**AND NOW**, this 15th day of October, 2025, upon receipt of a Praecipe to Settle and Discontinue, executed by Kenneth W. Lee, Esquire, attorney for Plaintiff, requesting that the Board mark the above-captioned matter settled and discontinued with prejudice, docketed with this Board under date of October 14, 2025, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

October 27, 2025

Plaintiff filed acceptance of service of Order dated October 15, 2025. Receipt of same acknowledged October 23, 2025.

October 27, 2025

Defendant filed acceptance of service of Order dated October 15, 2025. Receipt of same acknowledged October 27, 2025.
