

Docket Number: 4270

**BLACK & VEATCH CONSTRUCTION, INC.**

James W. Kutz, Esquire  
Ashley Nichols Weber, Esquire  
Caitlyn Behta, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA TURNPIKE COMMISSION**

~~Doreen McCall, Chief Counsel~~  
David M. Burkholder, Esquire  
Feranmi T. Olugbenga-Jebutu, Esquire

**August 20, 2024**

Plaintiff filed Complaint, proof of mailing and filing fee. Amount of Complaint: \$44,000,000.00

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**August 21, 2024**

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

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**August 29, 2024**

Attorney General filed acknowledgement of complaint form. Receipt of same acknowledged August 26, 2024.

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**September 19, 2024**

Defendant filed Preliminary Objections and Brief in Support as well as Proposed Order.

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**September 25, 2024**

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

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**October 4, 2024**

Parties filed a letter requesting an extension of time until November 19, 2024, for Plaintiff to respond to Defendant's preliminary objections.

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**October 9, 2024**

Board issued letter to parties granting extension of time for Plaintiff to respond to Defendant's preliminary objections.

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**November 19, 2024**

Plaintiff filed its response to Defendant's preliminary objections to complaint and brief in opposition.

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**December 16, 2024**

Defendant filed a letter requesting permission to file a reply brief on or before January 10, 2025.

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**December 17, 2024**

Plaintiff filed a letter requesting permission to file a sur-reply brief if the Board grants Defendant's request to file a reply brief.

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**December 18, 2024**

Board forwarded letter to parties granting request to file a reply brief and sur-reply brief.

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**January 10, 2025**

Defendant filed Reply Brief in Support of Preliminary Objections.

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**January 24, 2025**

Plaintiff filed letter advising that Plaintiff will not be filing a sur-reply brief.

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**April 23, 2025**

Plaintiff filed Motion for Partial Consolidation, Brief in Support and Proposed Order.

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**April 24, 2025**

Board forwarded letter to Defendant, with copy to Plaintiff, requesting response to motion for partial consolidation.

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**May 23, 2025**

Defendant filed response in opposition to Plaintiff's motion for partial consolidation and brief in support.

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**July 3, 2025**

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 3<sup>rd</sup> day of July, 2025, upon consideration of the Motion for Partial Consolidation and brief in support filed by Black & Veatch Construction, Inc. (Claimant) on April 23, 2025, and the Answer in Opposition to Partial Consolidation and brief in opposition filed by the Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission (Respondent) on May 23, 2025, it is hereby **ORDERED** as follows: 1. Claimant's Motion for Partial Consolidations is **GRANTED**; 2. Docket number 4270 and docket number 4272 are consolidated for purposes of discovery and hearing, while each claim will retain its separate character and will require the entry of separate judgments; 3. In discovery and at hearing, the parties should use the docket number or contract designation PTC-1 or PTC-2 to connect specific issues to the proper contract and claim; and 4. The parties shall caption future pleadings consistent with the manner in which the Board has captioned this Order and shall provide a sufficient number of copies for filing at both dockets." Copy forwarded to Plaintiff and Defendant.

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**July 14, 2025**

Defendant filed acceptance of service of Opinion and Order dated July 3, 2025. Receipt of same acknowledged July 10, 2025.

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**November 13, 2025**

Board rendered Opinion and Order. Order as follows: **"AND NOW**, this 13<sup>th</sup> day of November, 2025, upon consideration of the Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission's (Respondent's) Preliminary Objections to Complaint filed September 19, 2024, at Docket 4270 and Preliminary Objections to Complaint filed November 18, 2024, at Docket 4272; Black & Veatch Construction, Inc.'s (Claimant's) Responses thereto; and the Briefs filed by the parties, for the reasons set forth in the contemporaneously filed Opinion, it is hereby **ORDERED** as follows: 1. Preliminary Objection 1 to Claim 4270 is **OVERRULED**; 2. Preliminary Objection 2 to Claim 4270 is **OVERRULED**; 3. Preliminary Objection 3 to Claim 4270 is **OVERRULED**; 4. Preliminary Objection 4 to Claim 4270 is **OVERRULED**; 5. Preliminary Objection 5 to Claim 4270 is **OVERRULED**; 6. Preliminary Objection 6 (Count VI) to Claim 4270 is **OVERRULED**; 7. Preliminary Objection 6 (Count VII) to Claim 4270 is **OVERRULED**; 8. Preliminary Objection 7 to Claim 4270 is

**OVERRULED**; 9. Preliminary Objection 8 to Claim 4270 is **OVERRULED**; 10. Preliminary Objection 9 to Claim 4270 is **OVERRULED**; 11. Preliminary Objection 10 to Claim 4270 is **OVERRULED**; 12. Preliminary Objection 11 to Claim 4270 is **OVERRULED**; 13. Preliminary Objection 12 to Claim 4270 is **OVERRULED**; 14. Preliminary Objection 13 to Claim 4270 is **OVERRULED**; 15. Preliminary Objection 14 to Claim 4270 is **OVERRULED**; 16. Preliminary Objection 15 to Claim 4270 is **OVERRULED**; 17. Preliminary Objection 16 to Claim 4270 is **OVERRULED**; 18. Preliminary Objection 17 to Claim 4270 is **OVERRULED**; 19. Preliminary Objection 18 to Claim 4270 is **OVERRULED**; 20. Preliminary Objection 19 to Claim 4270 is **OVERRULED**; 21. Preliminary Objection 20 to Claim 4270 is **OVERRULED**; 22. Preliminary Objection 21 to Claim 4270 is **OVERRULED**; 23. Preliminary Objection 22 to Claim 4270 is **OVERRULED**; 24. Preliminary Objection 23 to Claim 4270 is **OVERRULED**; 25. Preliminary Objection 24 to Claim 4270 is **OVERRULED**; 26. Preliminary Objection 25 to Claim 4270 is **OVERRULED**; 27. Preliminary Objection 26 to Claim 4270 is **OVERRULED**; 28. Preliminary Objection 27 to Claim 4270 is **OVERRULED**; 29. Preliminary Objection 28 to Claim 4270 is **OVERRULED**; 30. Preliminary Objection 29 to Claim 4270 is **OVERRULED**; 31. Preliminary Objection 30 to Claim 4270 is **OVERRULED**; 32. Preliminary Objection 31 to Claim 4270 is **SUSTAINED**, and Count XXI of Claim 4270 is **DISMISSED**; 33. Preliminary Objection 32 to Claim 4270 is **OVERRULED**; 34. Preliminary Objection 1 to Claim 4272 is **OVERRULED**; 35. Preliminary Objection 2 to Claim 4272 is **OVERRULED**; 36. Preliminary Objection 3 to Claim 4272 is **OVERRULED**; 37. Preliminary Objection 4 to Claim 4272 is **OVERRULED**; 38. Preliminary Objection 5 to Claim 4272 is **OVERRULED**; 39. Preliminary Objection 6 to Claim 4272 is **OVERRULED**; 40. Preliminary Objection 7 to Claim 4272 is **OVERRULED**; 41. Preliminary Objection 8 to Claim 4272 is **OVERRULED**; 42. Preliminary Objection 9 to Claim 4272 is **OVERRULED**; 43. Preliminary Objection 10 to Claim 4272 is **OVERRULED**; 44. Preliminary Objection 11 to Claim 4272 is **OVERRULED**; 45. Preliminary Objection 12 to Claim 4272 is **OVERRULED**; 46. Preliminary Objection 13 to Claim 4272 is **OVERRULED**; 47. Preliminary Objection 14 to Claim 4272 is **OVERRULED**; 48. Preliminary Objection 15 to Claim 4272 is **OVERRULED**; 49. Preliminary Objection 16 to Claim 4272 is **OVERRULED**; 50. Preliminary Objection 17 to Claim 4272 is **OVERRULED**; 51. Preliminary Objection 18 to Claim 4272 is **OVERRULED**; 52. Preliminary Objection 19 to Claim 4272 is **OVERRULED**; 53. Preliminary Objection 20 to Claim 4272 is **OVERRULED**; 54. Preliminary Objection 21 to Claim 4272 is **OVERRULED**; 55. Preliminary Objection 22 to Claim 4272 is **OVERRULED**; 56. Preliminary Objection 23 to Claim 4272 is **OVERRULED**; 57. Preliminary Objection 24 to Claim 4272 is **OVERRULED**; 58. Preliminary Objection 25 to Claim 4272

is **OVERRULED**; 59. Preliminary Objection 26 to Claim 4272 is **OVERRULED**; 60. Preliminary Objection 27 to Claim 4272 is **OVERRULED**; 61. Preliminary Objection 28 to Claim 4272 is **OVERRULED**; 62. Preliminary Objection 29 to Claim 4272 is **OVERRULED**; 63. Preliminary Objection 30 to Claim 4272 is **OVERRULED**; 64. Preliminary Objection 31 to Claim 4272 is **OVERRULED**; 65. Preliminary Objection 32 to Claim 4272 is **OVERRULED**; 66. Preliminary Objection 33 to Claim 4272 is **OVERRULED**; 67. Preliminary Objection 34 to Claim 4272 is **OVERRULED**; 68. Preliminary Objection 35 to Claim 4272 is **OVERRULED**; 69. Preliminary Objection 36 to Claim 4272 is **SUSTAINED**, and Count XXIII of Claim 4272 is **DISMISSED**; 70. Preliminary Objection 37 to Claim 4272 is **OVERRULED**; 71. Respondent is directed to file answers to the statements of claim within thirty (30) days of service of this Order." Copy forwarded to all parties of record.

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**November 24, 2025**

Plaintiff filed acceptance of service of Opinion and Order dated November 13, 2025. Receipt of same acknowledged November 18, 2025.

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**December 1, 2025**

Defendant filed acceptance of service of Opinion and Order dated November 13, 2025. Receipt of same acknowledged November 26, 2025.

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**December 5, 2025**

Defendant filed a letter advising that its address has changed and providing its new address.

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**December 5, 2025**

Defendant filed a letter advising that the parties have agreed to an extension of time until January 30, 2026 for Defendant to file its response to the complaints and then giving Plaintiff an extension of time until March 31, 2026 to file its response, as well as a proposed order.

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**December 10, 2025**

Board forwarded letter to Defendant, with copy to Plaintiff, acknowledging extension between the parties.

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