

Docket Number: 933

THOMAS A. ARMBRUSTER, INC.

Michael Prokup, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

Michael D. Reed, Chief of Litigation

VS.

McCORMICK, TAYLOR & ASSOCIATES, INC.  
(ADDITIONAL DEFENDANT) AND  
SPRAGUE AND HENWOOD, INC.  
(ADDITIONAL DEFENDANT)

Jonathan D. Herbst, Esquire

Richard A. Bausher, Esquire

**May 10, 1984**

Complaint and filing fee filed. Amount of Claim: \$11,710.93+.

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**May 15, 1984**

Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.

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**June 14, 1984**

Respondent's Answer with New Matter to Claimant's Statement of Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 18, 1984**

Stipulation of Counsel and Proposed Order filed by attorney for Plaintiff and attorney for Defendant.

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**June 19, 1984**

The Board made the following order: "AND NOW, this 19th day of June, 1984, upon consideration of the Stipulation of Counsel filed with this Board on June 18, 1984, said Stipulation is approved, and the letter dated January 12, 1984, attached to Claimant's Statement of Claim is hereby stricken and removed from the pleadings in this matter".

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**June 20, 1984**

Copies of Order dated June 19, 1984, forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 20, 1984**

Complaint Against Additional Defendant filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

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**August 13, 1984**

Answer and New Matter filed by attorney for Additional Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

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**August 16, 1984**

Claimant's Reply to New Matter filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

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**August 27, 1984**

Respondent's Answer to Request for Production of McCormick, Taylor & Associates, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 6, 1984**

Respondent's Answer and Objections to Expert Interrogatories Directed to Respondent filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Additional Defendant by attorney for Defendant.

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**September 7, 1984**

Respondent's Reply to Additional Defendant's New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant.

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**December 10, 1984**

Claimant's Answer to Property Damage and Expert Interrogatories filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

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**December 20, 1984**

Claimant's Answer to Property Damage and Expert Interrogatories of McCormick, Taylor & Associates filed by attorney for Additional Defendant. Copies forwarded to all counsel of record.

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**December 26, 1984**

Notice of Taking of Oral Depositions of John, Donald and Judy Dadonna filed by Additional Defendant. Copies forwarded to all counsel record by Additional Defendant.

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**January 4, 1985**

Answer to Statement of Claim and New Matter filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**January 7, 1985**

Notice of Taking of Oral Depositions of Thomas and Fredrick Armbruster, Kenneth Krapp and James Witczak filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Defendant.

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**January 9, 1984**

Withdrawal of Appearance of Nicholas J. Scafidi and Entry of Appearance of Dennis James Lawler filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

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**January 28, 1985**

Notice of Taking of Oral Depositions of Thomas and Fredrick Armbruster; Kenneth Krapp and James Witczak filed by attorney for Additional Defendants. Copy forwarded to all counsel of record by attorney for Additional Defendants.

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**February 11, 1985**

Notice of Taking Oral Depositions of Michael Prokup, Esquire, P. Allen Zulick, Esquire and Dennis James Lawler, Esquire filed by attorney for Additional Defendant. Copy forwarded to all parties of record by Additional Defendant.

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**September 24, 1985**

Proposed Order and Stipulation to Join Sprague & Henwood, Inc. as an Additional Defendant filed by attorney for McCormick, Taylor & Associates, Inc. Copy forwarded to all parties of record.

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**September 25, 1985**

Proposed Order and Stipulation executed. Order as follows: "**AND NOW**, this 25th day of September, 1985, it is hereby **ORDERED** and **DECREED**, upon consideration of the within Stipulation, that additional defendant, **MCCORMICK, TAYLOR & ASSOCIATES, INC.**, shall have thirty (30) days from the date of this Order to join Sprague & Henwood, Inc. as an Additional Defendant." Copies forwarded to all parties of record.

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**October 24, 1985**

Complaint of Additional Defendant, McCormick, Taylor & Associates, Inc., Against Additional Defendant, Sprague & Henwood, Inc. filed by Mr. Herbst (attorney for McCormick, Taylor & Associates, Inc.). Copies forwarded to all parties of record.

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**November 4, 1985**

Signed Certificate of Service of Complaint Against Additional Defendant filed by attorney for McCormick, Taylor & Associates, Inc. Copy forwarded to all counsel of record by attorney for McCormick, Taylor & Associates, Inc.

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**November 12, 1985**

Certificate of Service of Respondent's Interrogatories Addressed to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 13, 1985**

Preliminary Objections and Memorandum of Law filed by attorney for Additional Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

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**December 16, 1985**

Answer of McCormick, Taylor & Associates, Inc. to Preliminary Objections of Sprague & Henwood, Inc. and Memorandum of Law in support of Preliminary Objections of Sprague & Henwood, Inc. to Complaint of McCormick, Taylor & Associates, Inc. filed by attorney for Additional Defendant (McCormick, Taylor & Associates, Inc.). Copy forwarded to all counsel of record.

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**December 16, 1985**

Entry of Appearance filed by Susan Warnock Thomas, attorney for McCormick, Taylor & Associates, Inc.

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**December 24, 1985**

Memorandum of Thomas A. Armbruster, Inc. in Response to the Memorandum of McCormick, Taylor & Associates, Inc. filed by attorney for Thomas A. Armbruster, Inc. Copies forwarded to all counsel of record by attorney for Thomas A. Armbruster, Inc.

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**March 27, 1986**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of March, 1986, the Preliminary Objections as filed by Additional Defendant, Sprague & Henwood, Inc., are hereby **DENIED** and the Additional Defendant, Sprague & Henwood, Inc., is given thirty (30) days from the date of this Order to file Responsive Pleadings".

**March 28, 1986**

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Copies of Opinion and Order dated March 27, 1986, forwarded to attorney for Plaintiff, attorney for Defendant, attorney for Additional Defendant (McCormick, Taylor & Associates, Inc.) and attorney for Additional Defendant (Sprague & Henwood, Inc.).

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**March 31, 1986**

Acceptance of Service of Opinion and Order dated March 27, 1986 received from Defendant. Receipt of same acknowledged by Defendant March 28, 1986.

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**April 7, 1986**

Acceptance of Service of Opinion and Order dated March 27, 1986 received from Additional Defendant (Sprague & Henwood, Inc.). Receipt of same acknowledged by Additional Defendant (Sprague & Henwood, Inc.) March 31, 1986.

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**April 12, 1986**

Acceptance of Service of Opinion and Order dated March 27, 1986 received from Additional Defendant (McCormick, Taylor & Associates, Inc.). Receipt of same acknowledged by Additional Defendant (McCormick, Taylor & Associates, Inc.) April 1, 1986.

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**April 24, 1986**

Answer and New Matter filed by attorney for Additional Defendant (Sprague & Henwood, Inc.). Copies forwarded to attorney for Plaintiff, attorney for Defendant, and attorney for Additional Defendant (McCormick, Taylor & Associates, Inc.) By attorney for Additional Defendant (Sprague & Henwood, Inc.).

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**April 24, 1986**

Stipulation for approval by the Board filed by all parties of record.

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**April 25, 1986**

Stipulation dated April 24, 1986 filed by parties.

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**April 29, 1986**

Stipulation approved by Judge Pace as follows: "**AND NOW**, this 25th day of April, 1986, it is hereby stipulated and agreed to by and among the undersigned counsel that paragraphs thirteen (13), fourteen (14), fifteen (15) and sixteen (16) of the Complaint of the Department of General Services of the Commonwealth of Pennsylvania against Additional Defendant, McCormick, Taylor and Associates, Inc., are hereby withdrawn with prejudice". Copies forwarded to all parties of record.

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**May 2, 1986**

Acceptance of Service of Stipulation, dated April 24, 1986, received from Mr. Maus. Receipt of same acknowledged by Mr. Baumer April 30, 1986.

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**May 19, 1986**

Acceptance of Service of Stipulation, dated April 24, 1986, received from Mr. Devlin. Receipt of same acknowledged by Mr. Devlin April 30, 1986.

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**May 7, 1986**

Acceptance of Service of Stipulation, dated April 24, 1986, received from Mr. Prokup. Receipt of same acknowledged by Mr. Prokup May 2, 1986.

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**May 8, 1986**

Acceptance of Service of Stipulation, dated April 24, 1986, received from Ms. Warnock. Receipt of same acknowledged by Ms. Warnock April 30, 1986.

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**December 19, 1986**

Hearing scheduled for January 22, 23, 28, 29 and 30, 1987 and if necessary, February 3, 4, 5 and 6, 1987, in the Board's Court Room No. 1 at 10:00 a.m.

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**January 22, 1987**

Hearing held in Board's Court Room No. 1 at 10:00 a.m. Case settled.

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**February 20, 1987**

Testimony of hearing held January 22, 1987 filed.

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**February 24, 1987**

Copy of testimony of hearing held January 22, 1987 forwarded to attorney for Defendant.

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**February 25, 1987**

Acceptance of Service of Testimony for hearing held January 22, 1987, received from Defendant. Receipt of same acknowledged by Defendant February 24, 1987.

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**May 18, 1987**

Settlement Stipulation filed by parties.

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**July 8, 1987**

Received copy of Stipulation entered in the U.S. Bankruptcy Court, case no. 86-0592T from attorney for Plaintiff.

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**July 8, 1987**

**CLOSED**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 16th day of July, 1987, upon consideration of the Settlement Stipulation entered of record and filed with the Board of Claims, it is hereby **ORDERED** and **DECREED** that the stipulation shall be and hereby is **APPROVED** in the amounts and upon the conditions set forth therein, and that an award shall be and hereby is made in favor of the Plaintiff, Thomas A. Armbruster, Inc., for itself and to the use of Eastern Consolidated Utilities, Inc., equally, and against the Defendant, Commonwealth of Pennsylvania, Department of General Services, in the amount of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00), and that the matter be marked settled and withdrawn with prejudice. Payment of the share of Thomas A. Armbruster, Inc., amounting to Thirteen Thousand Seven Hundred Fifty Dollars (\$13,750.00), shall be made directly to United States Fidelity and Guarantee Company, c/o A. M. Boras, Superintendent, Claims Department, United States Fidelity and Guarantee Company, 415 Wyoming Avenue, P.O. Box 630, Scranton, Pennsylvania, 18501. It is further **ORDERED** and **DECREED** that the Claim entered Lehigh County to No. 81-C-1954 by Eastern Consolidated Utilities, Inc., vs. Thomas A. Armbruster, Inc., and Sprague and Henwood, Inc., as Additional Defendants, shall not be affected by this Order and may proceed as set forth in the Settlement Stipulation, Should, for any reason, this settlement not be fully consummated, the Board of Claims, upon due cause shown by any party, may open and reinstate the Claim as filed."

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**July 17, 1987**

Copies of Opinion and Order dated July 16, 1987 forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

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**July 23, 1987**

Acceptance of Service of Opinion and Order dated July 16, 1987 received from Additional Defendant (Mr. Bausher). Receipt of same acknowledged by Additional Defendant July 21, 1987.

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**July 27, 1987**

Acceptance of Service of Opinion and Order dated July 16, 1987 received from attorney for Additional Defendant (Jonathan Herbert). Receipt of same acknowledged by attorney for Additional Defendant July 22, 1987.

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**July 28, 1987**

Acceptance of Service of Opinion and Order dated July 16, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 20, 1987.

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**August 12, 1987**

Acceptance of Service of Opinion and Order dated July 16, 1987 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 20, 1987.

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**May 9, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of May, 1991, a Rule to Show Cause is issued upon Thomas A. Armbruster, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money as set forth in the Settlement Stipulation or other justifiable response. The Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

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**May 15, 1991**

Acceptance of Service of Opinion and Order dated May 9, 1991 received from attorney for Additional Defendant (McCormick, Taylor & Associates, Inc.). Receipt of same acknowledged by attorney for Additional Defendant May 13, 1991.

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**May 16, 1991**

Acceptance of Service of Opinion and Order dated May 9, 1991 received from attorney for Defendant (Department of General Services). Receipt of same acknowledged by attorney for Defendant May 14, 1991.

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**May 20, 1991**

Opinion and Order dated May 9, 1991 as mailed to Michael Prokup, Esquire received via US Mail indicating an incorrect address.

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**May 21, 1991**

Opinion and Order dated May 9, 1991 reforwarded to Michael Prokup, Esquire.

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**CLOSED**

Acceptance of Service of Opinion and Order dated May 9, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 28, 1991.

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**May 30, 1991**

Letter/Praecipe filed by attorney for Plaintiff.

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**June 30, 1991**

The Board made the following Order: "**AND NOW**, this 10th day of June, 1991, upon receipt of Letter Praecipe acknowledging that monies have been paid, executed by Michael Prokup, Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of May 30, 1991, it is **ORDERED** and **DIRECTED** that said case be marked settled discontinued and ended with prejudice." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

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**June 18, 1991**

Acceptance of Service of Order dated June 10, 1991 received from attorney for Additional Defendant (McCormick, Taylor & Associates, Inc.). Receipt of same acknowledged by attorney for Additional Defendant June 12, 1991.

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