

Docket Number: 973

DAVID F. BENTON

John A. Ulizio, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

Kenneth Allen, Assistant Counsel

**December 3, 1984**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$

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**December 10, 1984**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**December 12, 1984**

Amended Complaint filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**CLOSED**  
January 29, 1985  
Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 11, 1985**

Answer, New Matter, Reply to Counterclaim and Request for Production of Documents and Things filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 23, 1985**

Defendant's Continuing Interrogatories to Plaintiff- First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 25, 1985**

Plaintiff's Answers to Defendant's Continuing Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 21, 1985**

Hearing scheduled for December 19 and 20, 1985 before (Western District) to be held in Room 1604 in the Pittsburgh State Office Building, Pittsburgh, Pennsylvania, commencing at 10 a.m.

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**December 5, 1985**

Plaintiff's Amended Answers to Defendant's Continuing Interrogatories Numbered 15 and 16 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 10, 1985**

Letter forwarded to attorney for Plaintiff and attorney for Defendant advising that the hearing scheduled for December 19 and 20, 1985, has been postponed to a further date.

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**February 10, 1986**

Letter received from John A. Ulizio, Esquire, entering his appearance on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 21, 1986**

Hearing scheduled for June 5 and 6, 1986, if necessary, before Western District, to be held at the Pittsburgh State Office Building, Room 1604, commencing at 10:00 a.m.

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**June 5, 1986**

Hearing held in Pittsburgh State Office Building, Room 1604, Western District commencing at 10:00 a.m. Plaintiff's case presented. Case continued. Defense portion of case to be heard at a later date.

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**June 6, 1986**

Western Panel Hearing scheduled this date canceled. Case continued.

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**June 26, 1986**

Testimony of hearing held June 5, 1986 filed.

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**June 27, 1986**

Copy of testimony forwarded to attorney for Defendant.

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**July 2, 1986**

Acceptance of Service of testimony received from Defendant. Receipt of same acknowledged by Defendant July 1, 1986.

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**July 2, 1986**

Request for Production of Documents and Things filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 11, 1986**

Motion for Protective Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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July 21, 1986

Report of Hearing Panel filed.

September 4, 1986

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 4th day of September, 1986, upon consideration of the Defendant's, Department of Transportation, Motion for Protective Order, said Motion is hereby **GRANTED** and the documents requested by Plaintiff, as filed July 2, 1986, need not be produced by Defendant." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

September 5, 1986

Acceptance of Service of Opinion and Order dated September 4, 1986 received from Defendant. Receipt of same acknowledged by Defendant September 4, 1986.

Acceptance of Service of Opinion and Order dated September 4, 1986, received from Plaintiff. Receipt of same acknowledged by Plaintiff September 10, 1986.

July 9, 1987

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of July, 1984, the Board of Claims will set a hearing date in the immediate future as the date for the continued hearing on this matter. It is so **ORDERED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 13, 1987

Acceptance of Service of Opinion and Order dated July 9, 1987 received from Defendant. Receipt of same acknowledged by Defendant July 10, 1987.

July 15, 1987

Acceptance of Service of Opinion and Order dated July 9, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff July 13, 1987.

October 13, 1987

Hearing scheduled for November 12 and 13, 1987, if necessary, before the Western District, to be held at Pittsburgh State Office Building, Room 1606, commencing at 10:00 a.m.

**November 12, 1987**

Western Panel Hearing held in Pittsburgh State Office Building, Room 1606, commencing at 10:00 a.m. The Plaintiff, David F. Benton, did not appear for hearing. The Commonwealth of Pennsylvania shall file Briefs within ten (10) days in support of Motion for Judgment on the record.

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**November 24, 1987**

Memorandum in Support of Plaintiff's Motion to Strike and Plaintiff's Motion for Compulsory Nonsuit filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 1, 1987**

Testimony of hearing held November 12, 1987 filed.

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**December 3, 1987**

Copy of testimony of hearing held November 12, 1987, forwarded to attorney for Defendant.

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**December 4, 1987**

Acceptance of Service of testimony for hearing held November 12, 1987 received from Defendant. Receipt of same acknowledged by Defendant December 3, 1987.

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**December 16, 1987**

Western District Panel Hearing Report filed.

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**February 18, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of February, 1988, the request of the Defendant to strike the direct testimony of the Plaintiff and to issue a Compulsory Non-Suit is hereby **GRANTED**. Accordingly, the request of the Plaintiff as set forth in the Complaint is **DENIED**."

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**February 19, 1988**

Copies of Opinion and Order dated February 18, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 22, 1988**

Acceptance of Service of Opinion and Order dated February 18, 1988 received from Defendant. Receipt of same acknowledged by Defendant February 19, 1988.