

Docket Number: 1011  
**CLOSED**

**DUBROOK, INC.**

C. Grainger Bowman, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

~~Kenneth L. Sable, Assistant Counsel in charge~~  
~~Kenneth B. Allen, Assistant Counsel~~  
John J. Robinson, Assistant Counsel

**\*July 22, 1985**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$366,000.00

**CLOSED**

**July 23, 1985**

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

**\*May 6, 1987**

Amended Complaint filed by attorney for Plaintiff. Amount of Claim: \$357,505.00.

**May 8, 1987**

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

**May 12, 1987**

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 11, 1987.

**May 20, 1987**

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by Chief Deputy Attorney General May 14, 1987.

**August 14, 1987**

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

**January 8, 1988**

The Board rendered an Opinion and made the following Order: "AND NOW, this 8th day of January, 1988, it is ORDERED and DIRECTED that discovery depositions shall be taken by the Plaintiff through its counsel of the following Department employees on February 18 and 19, 1988 at DOT District 11-0 offices, Allegheny County, Pennsylvania: 1. Henry M. Nutbrown, P.E., District Engineer 2. John Martin 3. Robert Ivill. The Board advises that it will continue to monitor discovery in this matter." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

**January 11, 1988**

Acceptance of Service of Opinion and Order dated January 8, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 8, 1988.

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**January 22, 1988**

Acceptance of Service of Opinion and Order dated January 8, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 12, 1988.

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**February 9, 1988**

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

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**March 9, 1988**

Defendant's Interrogatories to Plaintiff-First Set and Defendant's First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 24, 1988**

Depositions of Atul Kantawala, Mariah Baker, Michael Graham, Robert Ivill, John Martin, and Michael Nutbrown filed by parties.

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**December 6, 1988**

Received errata sheets for the Depositions of Michael Graham, Atul Kantawala, and Mariah Baker filed by attorney for Plaintiff. Copies forwarded to attorneys for Defendant by attorney for Plaintiff.

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**January 11, 1989**

Notice of Depositions of Anthony G. Pitrone filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 14, 1989**

Depositions of Anthony G. Pitrone filed by parties.

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**June 6, 1989**

Hearing scheduled for September 19 through 22, 1989 and September 26 through 29, 1989, if necessary in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, at 10:00 a.m.

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**September 19, 1989**

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Plaintiff's Answers to Defendant's Interrogatories filed at time of hearing by attorney for Plaintiff. Copies given to parties at time of hearing.

**CLOSED**

**September 19, 1989**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**September 20, 1989**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 11:30 a.m. (Hearing delayed at request of attorney for Plaintiff due to fire at his home).

**September 21, 1989**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**September 22, 1989**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**September 26, 1989**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**September 27, 1989**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**September 28, 1989**

Hearing held in Board's Courtroom No. 1, 707 transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**September 29, 1989**

Hearing held in Board's Courtroom No. 1, 707 transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Future hearing dated to be scheduled.

**October 30, 1989**

Testimony for hearing held September 19, 21, 26, 27 and 28, 1989 filed.

**October 31, 1989**

Copies of testimony for hearing held September 19, 21, 26, 27 and 28, 1989 forwarded to attorney for Defendant.

**November 1, 1989**

Acceptance of Service of Testimony for hearing held September 19, 21, 26, 27 and 28, 1989, received from attorney for Defendant.

**November 7, 1989**

Testimony for hearing held September 20, 22 and 29, 1989 filed.

**November 8, 1989**

Copies of Testimony for hearing held September 20, 22 and 29 forwarded to attorney for Defendant.

**November 13, 1989**

Acceptance of Service of Testimony for hearings held September 20, 22 and 29, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 9, 1989.

**January 9, 1990**

Hearing scheduled for March 20, 1990 through March 23, 1990, and March 27, 1990 through March 30, 1990, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

**March 20, 1990**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**March 21, 1990**

Hearing held in Board's Courtroom 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**March 22, 1990**

Hearing held in Board's Courtroom 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**March 23, 1990**

Hearing held in Board's Courtroom 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**March 27, 1990**

Hearing held in Board's Courtroom 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

March 8, 1990

**CLOSED**

Hearing held in Board's Courtroom 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

March 29, 1990

Hearing held in Board's Courtroom 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

March 30, 1990

Hearing held in Board's Courtroom 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Future hearing dates to be scheduled.

April 3, 1990

Hearing scheduled for May 8, 1990 through May 11, 1990, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

April 24, 1990

Testimony of hearings held March 22 and 23, 1990 filed.

April 26, 1990

Copy of testimony for hearings held March 22 and 23, 1990 forwarded to attorney for Defendant.

April 30, 1990

Acceptance of Service of Testimony for hearings held March 22 and 23, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 27, 1990.

April 30, 1990

Testimony for hearing held March 20, 21, 27, 28, 29 and 30, 1990 filed.

May 2, 1990

Copies of testimony for hearings held May 20, 21, 27, 28, 29 and 30, 1990 forwarded to attorney for Defendant.

May 4, 1990

Acceptance of Service of Testimony for hearings held March 20, 21, 27, 28, 29 and 30, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 8, 1990.

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**CLOSED**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

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**May 9, 1990**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

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**May 10, 1990**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case completed.

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**June 6, 1990**

Testimony for hearings held May 8, 9, and 10, 1990 forwarded to attorney for Defendant.

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**June 12, 1990**

Copies of Testimony for hearings held May 8, 9, and 10, 1990 forwarded to attorney for Defendant.

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**June 15, 1990**

Acceptance of Service of Testimony for hearings held May 8, 9, & 10, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 13, 1990.

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**December 11, 1990**

Plaintiff's Proposed Findings of Fact, Plaintiff's Proposed Conclusions of Law, and Post-Hearing Brief Filed on Behalf of Dubrook, Inc. filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 25, 1991**

Defendant's Proposed Findings of Fact, Proposed Conclusions of Law and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 16, 1992**

**CLOSED**

The Board rendered an Opinion and made the following Order: "AND NOW, this 16th day of June, 1992, the Board finds in favor of the Plaintiff, Dubook, Inc. as follows: Cost overrun (losses) as direct result of Department's disruptions, delays, changes and inconsistencies in 1983 \$188,746.52, Cost for extra work to place MC-70 on shoulders \$6,801.00, Cost to place E-3 and chips \$20,321.00, Cost for extra rentals of Type C Lights \$7,504.00 Cost if mobilizing brooming equipment and sweeping ramps \$980.00, Ten percent retain age \$5,450.00, TOTAL: \$229,802.52 The Plaintiff is entitled to six percent(6%) interest per annum from July 22, 1985, the date of commencement of this action filed with the Board of Claims.<sup>1</sup> Upon receipt of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked closed and ended with prejudice.

All costs to be borne separately by the parties to this litigation."

Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**June 19, 1992**

Acceptance of Service of Opinion and Order dated June 16, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 17, 1992.

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**July 20, 1992**

Petition for Review as filed in Commonwealth Court. (No. 1504 C.D. 1992)

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**July 20, 1992**

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 19, 1992**

File transferred to Commonwealth Court.

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**May 4, 1993**

Copy of Opinion received from Commonwealth Court. Order as follows: "AND NOW, this 3rd day of May, 1993, the order of the Board of Claims, No. 1011, dated June 16, 1992, is hereby affirmed."

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July 8, 1993

File returned from Commonwealth Court.

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**CLOSED**