

Docket Number: 1026

FOSTER GRADING COMPANY

Terry R. Bossert, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Assistant Counsel~~
Kenneth A. Allen, Assistant Counsel

November 13, 1985

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$8,727.84+.

November 14, 1985

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

December 11, 1985

Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 21, 1986

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

January 21, 1986

Defendant's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 10, 1986

Plaintiff's Answer to Defendant's Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 10, 1986

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

June 18, 1986

Plaintiff's Request for Production of Documents to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 18, 1986

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

September 4, 1986

Defendant's Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 4, 1986

Answers to Request for Production of Documents to Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 4, 1986

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

September 26, 1986

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

September 26, 1986

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

October 27, 1986

Plaintiff's Response to Defendant's Request for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 12, 1986

Plaintiff's Answer to Defendant's Request for Production of Documents - Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 12, 1986

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

December 24, 1986

Hearing scheduled for January 28, 29, and if necessary, January 30, 1987 before the Western District, to be held in Harrisburg, Pennsylvania, Courtroom No. 2, commencing at 10:00 a.m.

January 28, 1987

Hearing held in Board's Courtroom No. 2, Western District, commencing at 10:00 a.m.

January 29, 1987

Hearing held in Board's Courtroom No. 2, Western District, commencing at 9:30 a.m. Case completed.

January 29, 1987

Notice of Deposition of Richard W. Smith filed by attorney for Defendant at time of hearing.

February 25, 1987

Testimony of hearing held January 28, 1987 filed.

February 26, 1987

Testimony of hearing held January 29, 1987 filed.

February 27, 1987

Copy of testimony forwarded to attorney for Defendant.

February 27, 1987

Acceptance of Service of testimony for hearing held January 28 and 29, 1987, received from Defendant. Receipt of same acknowledged by Defendant February 26, 1987.

April 15, 1987

Plaintiff's Post-Trial Brief (Proposed Findings of Fact, Proposed Conclusions of Law and Discussion) filed by attorney for Plaintiff.
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 2, 1987

Proposed Findings of Fact and Conclusions of Law as well as Brief of Defendant in Support of Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

October 21, 1987

Western District Panel Hearing Report filed.

October 27, 1987

The Board rendered an opinion and made the following Order: "AND NOW, this 27th day of October, 1987, it is hereby **ORDERED** and **DECREED** that judgment be made in favor of the Plaintiff, Foster Grading Company and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, in the amount of Eight Thousand Seven Hundred Twenty-Four Dollars and Eighty-Four Cents (\$8,724.84) plus interest at the legal rate of six (6%) percent per annum beginning from January 30, 1985. Each party to bear its own costs."

October 29, 1987

Copies of Opinion and Order dated October 27, 1987 forwarded to attorney for Plaintiff and attorney for Defendant.

November 2, 1987

Acceptance of Service of Opinion and Order dated October 27, 1987 received from Defendant. Receipt of same acknowledged by Defendant October 30, 1987.

November 4, 1987

Acceptance of Service of Opinion and Order dated October 27, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff October 30, 1987.

July 30, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 30th day of July, 1990, a Rule is **ISSUED** upon Foster Grading Company to show cause, if any, why this matter should not be closed with prejudice in that the terms of the Order of the Board of Claims were complied with by the Department of Transportation. A reply or response to said Rule must be made within 30 days from the date of this Order otherwise the Rule will become absolute and the case dismissed with prejudice." Copies forwarded to attorney for Plaintiff and Kenneth L. Sable, Chief Claims Attorney.

July 31, 1990

Acceptance of Service of Opinion and Order dated July 30, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant at July 31, 1990.

August 6, 1990

Letter Praecepta filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 6, 1990

Acceptance of Service of Opinion and Order dated July 30, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 3, 1990.

August 9, 1990

The Board made the following Order: **"AND NOW**, this 9th day of August, 1990, upon receipt of a letter-type Praecepta acknowledging receipt of the award from the Defendant, same of which was filed by Terry R. Bossert on behalf of Plaintiff, Foster Grading Company, and docketed with the Board under date of August 6, 1990, it is **ORDERED** and **DIRECTED** that said case be marked settled, discontinued and ended with prejudice." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 14, 1990

Acceptance of Service of Order dated August 9, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 10, 1990.

August 23, 1990

Acceptance of Service of Order dated August 9, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 17, 1990.

CLOSED