

Docket Number: 1041

DAVIS NURSERIES, INC.

P. Richard Wagner, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~

Kenneth B. Allen, Assistant Counsel

**January 3, 1986**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$6,840.00

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**January 9, 1986**

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

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**January 30, 1986**

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

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**February 12, 1986**

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

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**February 26, 1986**

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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**February 26, 1986**

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

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**April 16, 1986**

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

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**July 9, 1986**

Hearing scheduled for August 20, 21, and 22, 1986, if necessary, before Eastern District, to be held in Board's Court Room No. 2, commencing at 10:00 a.m.

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**August 20, 1986**

Hearing held in Board's Court Room, No. 2, Eastern District, commencing at 10 a.m. Case completed.

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**September 12, 1986**

Testimony of hearing held August 20, 1986 filed.

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**September 16, 1986**

Copy of testimony forwarded to attorney for Defendant.

**September 18, 1986**

Acceptance of Service of Testimony, for hearing held August 20, 1986, received from Defendant. Receipt of same acknowledged by Defendant September 17, 1986.

**October 14, 1986**

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

**October 16, 1986**

Certificate of Service received from attorney for Plaintiff relative to Proposed Findings of Fact, Plaintiff's Findings of Law, and Plaintiff's Brief in Support of Proposed Findings of Fact and Law.

**October 21, 1986**

Acceptance of Service of Plaintiff's Findings of Fact, Findings of Law, and Brief in Support, dated October 14, 1986, received from Defendant. Receipt of same acknowledged by Defendant October 20, 1986.

**November 14, 1986**

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

**March 25, 1987**

Eastern District Panel Hearing Report filed.

**July 27, 1987**

The Board rendered an Opinion and made the following Order: "AND NOW, this 27th day of July, 1987, having considered the pleadings, the record and the submissions of counsel, in the instant case, the Board of Claims finds in favor of the Plaintiff, Davis Nurseries, Inc., and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation. Plaintiff, Davis Nurseries, Inc., is awarded the sum of Six Thousand Eight Hundred Sixty-Eight Dollars and Eighty Cents (\$6,868.80) plus interest at the legal rate of six (6%) percent per annum beginning from January 3, 1986. Each party to bear its own costs. It is so ORDERED and DIRECTED."

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**July 29, 1987**

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

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**July 31, 1987**

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

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**August 3, 1987**

Acceptance of Service of Opinion and Order dated July 27, 1987 received from Plaintiff (Mr. Trully). Receipt of same acknowledged by Plaintiff July 30, 1987.

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