

Docket Number: 1042

TOWER CONSTRUCTION INC.

~~Mark C. Schultz, Esquire~~
~~Robert A. Selig, Esquire~~
~~Patrick C. Timoney, Esquire~~
David C. Onorato, Esquire

VS.
CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~P. Alan Zulich, Chief of Litigation~~
~~Thomas M. Devlin, Esquire~~
Jose E. Morales, Assistant Counsel

January 10, 1986

Claim and filing fee filed. Amount of Claim: \$93,953.00. Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

February 12, 1986

Preliminary Objections and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 17, 1986

Plaintiff's Response to the Preliminary Objections of Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 5, 1986

The Board rendered an opinion and made the following Order: "AND NOW, this 25th day of June, 1986 Defendant's Preliminary objections in the nature of a Demurrer and Motion for More Specific Pleadings are hereby **DISMISSED**. Defendant shall have twenty (20) days from the date hereof in which to file its Answer." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 27, 1986

Acceptance of Service of Opinion and Order dated June 25, 1986 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 26, 1986.

July 15, 1986

Answers, New Matter and Counterclaim of Defendant, Commonwealth of Pennsylvania, Department of General Services filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 21, 1986

Acceptance of Service of Opinion and Order dated June 25, 1986 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 1, 1986.

August 7, 1986

Plaintiff's Reply to New Matter and Counterclaim of Defendant, Commonwealth of Pennsylvania, Department of General Services and Plaintiff's New Matter to Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 27, 1989

Defendant's Interrogatories Addressed to Plaintiff Tower Construction, Inc., First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 1993

Letter/Entry of Appearance of Robert A. Selig Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff.

March 4, 1993

Copy of Letter/Entry of Appearance of Robert A. Selig, Esquire on behalf of Plaintiff, forwarded to attorney for Defendant.

March 9, 1993

Acceptance of Service of Letter/Entry of Appearance received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 4, 1993.

November 17, 1994

Copy of Letter/Entry of Appearance of Patrick C. Timoney, Esquire on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 10, 1997

Letter forwarded to parties requesting status. Response due from parties January 10, 1998.

December 19, 1997

Letter received from attorney for Defendant advising that the parties are still waiting for a decision in a similar case to be heard sometime in 1998.

December 21, 1998

Letter received from Attorney Onorato advising that the parties have stipulated to settlement and upon execution of same Attorney Onorato will enter his appearance with the Board to set same for hearing.

January 13, 2000

Letter forwarded to parties requesting status. Response due from parties February 14, 2000.

February 14, 2000

Status letter received from attorney for Plaintiff advising that the parties are finalizing settlement.

August 28, 2000

Letter forwarded to parties requesting status. Response due from parties September 28, 2000.

September 27, 2000

Letter received from attorney for Plaintiff advising we can lift the stay in this case; Entering the Appearance of David C. Onorato, Esquire on behalf of Plaintiff as well as requesting a hearing be set.

November 8, 2000

The Board rendered the following Order: **"AND NOW**, this 8th day of November, 2000, it is **ORDERED** and **DECREED** that this matter which is set for hearing before the Board's Panel, composed of Frederick D. Giles, Esquire, Panel Attorney, and Charles Kline, P.E., Engineer Member, beginning on February 13, 2001 through February 15, 2001, if necessary. Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery herein shall be completed no later than forty-five (45) days prior to February 13, 2001." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 29, 2000

Acceptance of Service of Order dated November 8, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 2000.

January 23, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 23rd day of January 2001, it is **ORDERED** and **DECREED** that this matter be marked settled and ended with prejudice. It is further **ORDERED** and **DECREED** that if, for any reason whatsoever, the Settlement Agreement is not finalized, the Plaintiff shall have the right to reassert its Claim." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 26, 2001

Acceptance of Service of Opinion and Order dated January 23, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 27, 2001.

March 8, 2001

Acceptance of Service of Opinion and Order dated January 23, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 2, 2001.

CLOSED