

Docket Number: 1046

**BRACKEN CONSTRUCTION CO.**

James B. Alexander, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

Kenneth L. Sable, Chief Claims Attorney,  
~~Kenneth B. Allen, Assistant Counsel~~

VS.

**\*INTERSTATE SAFETY SERVICES**

Gregory J. Pascale, Esquire

**February 25, 1986**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$15,734.07

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**February 28, 1986**

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

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**March 3, 1986**

Acceptance of Service of Complaint received from Defendant. Receipt of same acknowledged by Defendant February 28, 1986.

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**March 7, 1986**

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by the Office of Attorney General March 4, 1986.

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**March 25, 1986**

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

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**April 15, 1986**

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

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**May 16, 1986**

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

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**May 20, 1986**

Acceptance of Service Amended Complaint, dated May 16, 1986, received from Defendant. Receipt of same acknowledged by Defendant May 19, 1986.

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**May 23, 1986**

Acceptance of Service Amended Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General May 20, 1986.

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**June 24, 1986**

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

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**September 24, 1986**

Petition for Order to Implead Interstate Safety Services, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 16, 1986**

Petition to Add Additional and Necessary Party and Plaintiff's Brief in Support of Petition to Add Additional and Necessary Party filed by attorney for Plaintiff. Copy forwarded to attorney for defendant and proposed Additional Defendant by attorney for Plaintiff.

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**January 12, 1987**

Answer to Petition to add Additional and Necessary Party filed by attorney for proposed Additional Defendant. Copies forwarded to attorney for a Plaintiff and attorney for Defendant by attorney for proposed Additional Defendant.

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**January 14, 1987**

Brief in Opposition to Petition to Add Additional and Necessary Party filed by attorney for proposed Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for proposed Additional Defendant.

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**\*May 28, 1987**

The Board rendered an Opinion and made the following Order: "AND NOW, this 28th day of May, 1987, the Petition of Bracken Construction Company to add as an additional and necessary party Interstate Safety Service, Inc. is GRANTED. Interstate Safety Service, Inc. is impleaded as a Defendant. From the date of this Order forward, the caption of this litigation shall be evidenced as follows: BRACKEN CONSTRUCTION COMPANY VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION VS. INTERSTATE SAFETY SERVICE, INC."

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**May 29, 1987**

Copies of Opinion and Order dated May 28, 1987 forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Impleaded Defendant.

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**June 1, 1987**

Acceptance of Service of Opinion and Order, dated May 28, 1987, received from Defendant. Receipt of same acknowledged by Defendant May 29, 1987.

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**June 3, 1987**

Acceptance of Service of Opinion and Order, dated May 28, 1987, received from Plaintiff. Receipt of same acknowledged by Plaintiff June 1, 1987.

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**July 13, 1987**

Defendant's Continuing Interrogatories to Plaintiff - First Set and also 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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**September 4, 1987**

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

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**September 11, 1987**

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

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**September 11, 1987**

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

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**October 11, 1988**

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

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**October 11, 1988**

Counterclaim of Impleaded Defendant as well as Impleaded Defendant's Brief in Support Counterclaim filed by attorney for Impleaded Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Impleaded Defendant.

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**November 18, 1988**

Answer to Impleaded Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 5, 1989**

Hearing scheduled for February 15, 16, and 17, 1989, if necessary, before the Western District, to be held at the Pittsburgh State Office Building, Room 1604, Pittsburgh Pennsylvania, commencing at 10:00 a.m.

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**February 15, 1989**

Western Panel Hearing held in Pittsburgh State Office Building, Room 1604 commencing at 10:00 a.m.

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**February 16, 1989**

Western Panel Hearing held in Pittsburgh State Office Building, Room 1604 at 9:30 a.m. Case completed.

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**April 3, 1989**

Testimony for Western Panel Hearing held February 15, 1989 filed.

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**April 5, 1989**

Copy of testimony for Western Panel Hearing held February 15, 1989 forwarded to attorney for Defendant.

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**April 11, 1989**

Acceptance of Service of testimony for Western Panel Hearing held February 15, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 5, 1989.

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**June 8, 1990**

Testimony of Western Panel Hearing held February 16, 1989 filed.

**June 12, 1990**

Copy of testimony for Western Panel Hearing held February 16, 1989 forwarded to attorney for Defendant.

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**June 15, 1990**

Acceptance of Service of Testimony for hearing held February 16, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 13, 1990.

**September 12, 1990**

Hearing reopened for January 1, 2, and February 1, 1991, if necessary, before the Western District, to be held at the Consort Inn, 1500 Beers School Road, Coraopolis, Pennsylvania, commencing at 10:00 a.m.

**September 12, 1990**

The Board rendered an Opinion and made the following Order: "AND NOW", this 12th day of September, 1990, it is ORDERED and DECREED that this case be re-tried in its entirety before the Western Panel of the Board of Claims, beginning at 10:00 a.m. on January 30 and 31, 1991 as well as February 1, 1991, if necessary, in the Consort Inn, in Coraopolis, Pennsylvania."

**September 13, 1990**

Copies of Opinion and Order dated September 12, 1990 forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

**September 17, 1990**

Acceptance of Service of Opinion and Order dated September 12, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 14, 1990.

**September 25, 1990**

Acceptance of Service of Opinion and Order dated September 12, 1990 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Plaintiff September 19, 1990.

**September 26, 1990**

Acceptance of Service of Opinion and Order dated September 12, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 21, 1990.

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**January 29, 1991**

Western Panel Hearing scheduled for January 30, 31 and February, 1,1991 at The Consort Inn, Coroapolis, Pennsylvania has been canceled.

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**August 2, 1991**

Stipulation filed executed by all parties and filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

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**August 30, 1991**

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

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**September 24, 1991**

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

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**February 12, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of February, 1993, the Claim of Bracken Construction Company is hereby **DENIED** and an award is entered in favor of the Commonwealth of Pennsylvania, Department of Transportation, Defendant, and against Bracken Construction Company. Each party to bear its own costs and attorneys' fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant, attorney for Additional Defendant and Chief Deputy Attorney General.

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**February 23, 1993**

Acceptance of Service of Opinion and Order dated February 12, 1993, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 16, 1993.

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**February 26, 1993**

Acceptance of Service of Opinion and Order dated February 12, 1993, received Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 22, 1993.

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**February 26, 1993**

Acceptance of Service of Opinion and Order dated February 12, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 24, 1993.

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