

Docket Number: 1050

BEAR CREEK CONSTRUCTION COMPANY

~~Steven L. Sugarman, Esquire~~  
Hugh M. Emory, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~  
Bruce M. Mundorf, Assistant Counsel

**March 20, 1986**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$50,000.00

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**March 24, 1986**

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

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**March 26, 1986**

Acceptance of Service of Complaint received from Defendant. Receipt of same acknowledged by Defendant March 25, 1986.

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**March 28, 1986**

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General March 25, 1986.

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**June 5, 1986**

Withdrawal of Appearance of Steven L. Sugarman and Entry of Appearance of Hugh M. Emory filed by attorney for Plaintiff.

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**June 27, 1986**

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

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**June 27, 1986**

Proposed Order and Third-Party Complaint in the Nature of a Motion to Implead filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 2, 1986**

The Board rendered the following Order: **"AND NOW**, this 2nd day of July, 1986, the Commonwealth of Pennsylvania, Department of Transportation, is granted permission to serve its Third-Party Complaint in the Nature of a Motion to Implead upon McCormick, Taylor & Associates, Inc., in conformity with the Pennsylvania rules of Civil Procedure". Copies forwarded to attorney for Plaintiff, attorney for Defendant and McCormick, Taylor & Associates, Inc.

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**July 3, 1986**

Acceptance of Service of Order dated July 2, 1986 received from Defendant. Receipt of same acknowledged by Defendant July 2, 1986.

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**July 7, 1986**

Acceptance of Service of Order dated July 2, 1986 received from Plaintiff. Receipt of same acknowledged by Plaintiff July 3, 1986.

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**July 10, 1986**

Acceptance of Service of Order dated July 2, 1986, received from McCormick, Taylor & Associates. Receipt of same acknowledged by McCormick, Taylor & Associates July 7, 1986.

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**August 21, 1986**

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

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**August 27, 1986**

Entry of Appearance filed by E. Paul Maschmeyer on behalf of McCormick, Taylor & Associates. Copy forwarded to all counsel of record by attorney for Impleaded Defendant.

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**September 4, 1986**

Answer to Additional Defendant McCormick, Taylor & Associates ("McCormick") to Third-Party Complaint of Defendant, Commonwealth of Pennsylvania, Department of Transportation ("PennDOT") filed by attorney for Impleaded Defendant. Copy forwarded to all counsel of record by attorney for Impleaded Defendant.

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**February 17, 1986**

Additional Defendant's Interrogatories Addressed to Plaintiff and Defendant 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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**April 6, 1987**

Motion to Compel Answers to Interrogatories of Plaintiff, Memorandum of Law in Support of and Proposed Order filed by attorney for additional Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for additional Defendant.

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**April 10, 1987**

Motion to Compel Answers to Interrogatories of Defendant, Memorandum of Law in Support of and Proposed Order filed by attorney for additional Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for additional Defendant.

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**April 13, 1987**

Answers to Additional Defendant's Interrogatories Addressed to Plaintiff and Defendant filed by attorney for Defendant. Copy forwarded to attorney for Impleaded Defendant by attorney for Defendant.

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**July 22, 1987**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 22nd day of July, 1987, upon consideration of the Motion of Compel Answers to Interrogatories directed to the Plaintiff and upon the failure of the Plaintiff, Bear Creek Construction Company, to either answer or object to the Interrogatories filed on behalf of the Additional Defendant herein, McCormick, Taylor, and Associates, it is hereby ORDERED and DECREED that the Plaintiff shall respond to the Interrogatories within thirty (30) days from the date of this Order or appropriate sanctions will be imposed upon application to the Board." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

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**July 24, 1987**

Acceptance of Service of Opinion and Order dated July 22, 1987 received from Defendant. Receipt of same acknowledged by Defendant July 23, 1987.

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**July 30, 1987**

Acceptance of Service of Opinion and Order dated July 22, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff July 23, 1987.

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**August 10, 1987**

Acceptance of Service of Opinion and Order dated July 22, 1987

received from Additional Defendant. Receipt of same acknowledged by Additional Defendant August 3, 1987.

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**September 3, 1987**

Withdrawal of Appearance of Hugh Emory, Esquire and Entry of Appearance of Robert B. Hoffman, Esquire as Counsel for Plaintiff, 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 14, 1987**

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

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**October 5, 1987**

Request for Production of Documents filed by attorney for Impleaded Defendant.

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**October 8, 1987**

Certificate of Service of Request for Production of Documents filed by attorney for Impleaded Defendant.

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**October 15, 1987**

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

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**June 8, 1988**

Hearing scheduled for August 4 and 5, 1988, as well as August 9, 10, 11 and 12, 1988, if necessary, in Board's Courtroom No. 1, commencing at 10:00 a.m.

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**August 4, 1988**

Hearing held in Board's Courtroom No. 1, commencing at 10:13 a.m. Case completed.

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**August 5, 1988**

Testimony of hearing held in August 4, 1988 filed.

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**August 8, 1988**

Copy of testimony of hearing held August 4, 1988 forwarded to attorney for Defendant.

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**August 9, 1988**

Acceptance of Service of Testimony of hearing held August 4, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 8, 1988.

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**September 22, 1988**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 22nd day of September, 1988 upon consideration of the pleadings, record of hearing proffered settlement and Motion to Withdraw, the Board hereby ORDERS and DECREES that said settlement is approved and that the matter shall be marked settled and withdrawn with prejudice. Each party to Bear its own costs."

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**September 23, 1988**

Opinion and Order dated September 22, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 26, 1988**

Acceptance of Service of Opinion and Order dated September 22, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 23, 1988.

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**September 30, 1988**

Acceptance of Service of Opinion and Order dated September 22, 1988, received from attorney for Plaintiff. Receipt of same acknowledge by attorney for Plaintiff September 29, 1988.

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**October 5, 1988**

Acceptance of Service of Opinion and Order dated September 22, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 3, 1988.

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