

Docket Number: 1075

J. E . BRENNEMAN COMPANY

Victor P. Stabile, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

William W. Shakely, Director

**July 16, 1986**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$114,532.00+

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**July 18, 2001**

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

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**July 25, 1986**

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney general July 22, 1986.

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**August 15, 1986**

Answer to Complaint of J. E. Brenneman Company filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 6, 1986**

Letter filed by Plaintiff, forwarding Plaintiff's First Set of Interrogatories and First Request for Production of Documents to Defendant.

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**October 27, 1986**

Letter received from William B. Calder, Esquire, attorney for Defendant advising that William W. Shakely, Esquire will be handling this case on behalf of Defendant.

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**December 23, 1986**

Plaintiff's First Set of Interrogatories and First Request for Production of Documents with Defendant's Answers filed by parties.

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**July 29, 1987**

Letter received from Mr. Hackenbracht withdrawing appearance on behalf of Plaintiff. Copies forwarded to Mr. Shakley and Mr. Hudson by Mr. Hackenbracht.

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**September 9, 1987**

Praecipe for Appearance of Victor P. Stabile on behalf of Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 16, 1987**

Praecipe for Entry of Appearance filed by Kimberly K. Smith, Esquire attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 11, 1988**

Motion for Leave to File Amended Complaint and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 11, 1988**

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

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**January 13, 1988**

Copies of Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**January 21, 1988**

Acceptance of Service of Amended Complaint received from Defendant. Receipt of same acknowledged by Defendant January 19, 1988.

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**January 22, 1988**

The Board made the following Order: "AND NOW, this 22nd day of January, 1988, leave is hereby granted for the Plaintiff, J. E. Brenneman Company, to file an amended complaint. The Defendant, Commonwealth of Pennsylvania, Department of Environmental Resources, is hereby directed that an answer thereto must be filed within thirty (30) days of the date hereof."

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**January 25, 1988**

Copies of Order dated January 22, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 26, 1988**

Acceptance of Service of Amended Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General January 15, 1988.

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**January 27, 1988**

Acceptance of Service of Order dated January 22, 1988 received from Plaintiff. Receipt of same acknowledged by Plaintiff January 26, 1988.

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**February 3, 1988**

Acceptance of Service of Order dated January 22, 1988 received from Defendant. Receipt of same acknowledged by Defendant February 1, 1988.

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**February 22, 1988**

Department of Environmental Resources Answer to Amended Complaint filed by J. E. Brenneman Company and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 10, 1988**

Plaintiff's Answer to Defendant's New Matter to Plaintiff's Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 11, 1988**

Notice to Take Depositions of Mr. James Eppley and Mr. Eugene Comoss filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 21, 1988**

Notice to Take Depositions of Mr. James Eppley and Mr. Eugene Comoss filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 12, 1988**

Notice to Take Depositions of Mr. Eugene Comoss filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 19, 1988**

Notice to Take Deposition of Sandy Miller filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 4, 1988**

Notice to Take Depositions of Edward Briner filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 13, 1989**

Notice to Take Depositions of J. Dixon Earley filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 13, 1989**

Notice to Take Depositions of Ronald Heintzelman filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 16, 1990**

Withdrawal of Appearance of Kimberly K. Smith, Assistant Counsel and Entry of Appearance of William K. Shakely, Director, on behalf of Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 23, 1990**

Praecipe of Appearance filed by Patrick H. Bair, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 10, 1990**

DER's First Set of Interrogatories and Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 27, 1990**

Settlement Agreement and Release executed by parties and filed by attorney for Plaintiff.

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**February 12, 1991**

The Board rendered an Opinion and made the following Order: "AND NOW, this 12th day of February, 1991, upon due consideration of the Settlement Agreement and Release of the parties and other submissions, it is hereby ORDERED that Defendant, Commonwealth of Pennsylvania, Department of Environmental Resources, shall pay to Plaintiff, J. E. Brenneman Company, the sum of Ninety-Five Thousand Dollars (\$95,000.00), which amount shall include the Fifty-Dollar (\$50.) filing fee paid by the Plaintiff to commence this action, in full satisfaction and settlement of the matter, subject, nevertheless, to the approval of the U. S. Bankruptcy Court for the Eastern District of Pennsylvania. Plaintiff shall withdraw its Complaint and upon payment of the within award, file a Praecipe with the Board of Claims requesting that the matter be marked settled and discontinued with prejudice. Each party to bear its own costs."

Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**February 15, 1991**

Acceptance of Service of Opinion and Order dated February 12, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 13, 1991.

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**February 19, 1991**

Acceptance of Service of Opinion and Order dated February 12, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 14, 1991.

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**February 19, 1991**

Acceptance of Service of Opinion and Order dated February 12, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 14, 1991.

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**August 9, 1991**

The Board rendered an Opinion and made the following Order: "AND NOW, this Th day of August, 1991, a Rule to Show Cause is issued upon Plaintiff, J. E. Brenneman Company, wherein it is DIRECTED that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**August 14, 1991**

Acceptance of Service of Opinion and Order dated August 9, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 12, 1991.

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**August 15, 1991**

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

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**August 27, 1991**

The Board made the following Order: "AND NOW, this 27th day of August, 1991, upon receipt of a Letter Praecipe filed by Victor P. Stabile, Esquire, on behalf of Plaintiff, stating that 'J. E. Brenneman Company has in fact received the settlement proceeds in the amount of \$95,000.', same of which is docketed with this Board under date of August 15, 1991, it is ORDERED and DIRECTED that said case be marked settled, discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 29, 1991**

Acceptance of Service of Order dated August 27, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 28, 1991.

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**September 4, 1991**

Acceptance of Service of Order dated August 27, 191 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 29, 1991.