

Docket Number: 1106

WARREN L. CUSTER

Theodore A. Adler, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Michael D. Reed, Chief Counsel~~  
John J. Buchy, Chief of Litigation

**March 9, 1987**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$93,589.80.

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**March 13, 1987**

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

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**March 17, 1987**

Acceptance of Service of Claim received from Defendant. Receipt of same acknowledged by Defendant March 16, 1987.

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**March 23, 1987**

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General March 18, 1987.

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**September 29, 1987**

Letter granting a Stay until November 30, 1987, forwarded to attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 2, 1987**

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

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**December 4, 1987**

Notice of Deposition of George Grove, John Weller, Joseph Stahlman, Robert Sahi, Paul Alexander, Warren Kern, Roy Dietrich and Michael D. Reed, Esquire filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 28, 1987**

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

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**February 3, 1988**

Motion to Produce and Notice of Depositions of William J. Bosche, P.E. and Roy A. Dietrich, P.E. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 8, 1988**

Notice of Rescheduled Depositions of William J. Boxch, P.E. and Roy A. Dietrich, P.E. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 24, 1988**

Notice of Service of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 25, 1988**

Defendant's Answers and Objections to Expert Witness Interrogatories of Plaintiff, Warren L. Custer, Addressed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 21, 1988**

The Board rendered an Opinion and made the following Order: **AND NOW, this 21st day of December, 1988, pursuant to the authorization of Theodore A. Adler, Esquire, the Plaintiff, Warren L. Custer withdraws the Interrogatories of Plaintiff's Expert Witness, Interrogatories Nos. 5, 6 & 7 thereby rendering said Objections of the Defendant Moot."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 27, 1988**

Acceptance of Service of Opinion and Order dated December 21, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 22, 1988.

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**January 11, 1989**

Acceptance of Service of Opinion and Order dated December 21, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 9, 1989.

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**June 1, 1989**

Hearing scheduled for August 15, 1989, through August 18, 1989, if necessary in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

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**August 14, 1989**

Defendant's Supplementary Answers to Expert Witness Interrogatories of Plaintiff, Warren L. Custer, Addressed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 15, 1989**

Hearing held in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

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**September 22, 1989**

Testimony of hearing held August 15, 1989 filed.

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Copy of testimony for hearing held August 15, 1989 forwarded to attorney for Defendant.

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Acceptance of Service of Testimony for hearing held August 15, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 1989.

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**October 11, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of October, 1989, premised on the record, the pleadings herein and the testimony presented, it is hereby **ORDERED** and **DECREED** that the Settlement Agreement be and hereby is approved and that the Defendant, Commonwealth of Pennsylvania, Department of General Services, is obligated to pay the sum of Fifty-Four Thousand Nine Hundred Ninety-Nine Dollars (\$54,999.00) in full satisfaction of this Claim. All terms, conditions and provisions of the Settlement Agreement shall be effective. Plaintiff, Warren L. Custer, shall upon payment file a Praecipe to mark the suit 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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**October 16, 1989**

Acceptance of Service of Opinion and Order dated October 11, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 13, 1989.

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**October 16, 1989**

Acceptance of Service Opinion and Order dated October 11, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 13, 1989.

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**October 20, 1989**

Acceptance of Service of Opinion and Order dated October 11, 1989 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 12, 1989.

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**May 31, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 31st day of May, 1990, a Rule to Show Cause is issued upon Plaintiff, Warren L. Custer, 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 if the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 5, 1990**

Acceptance of Service of Opinion and Order dated May 31, 1990 received from attorney Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 4, 1990.

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**June 6, 1990**

Acceptance of Service of Opinion and Order dated May 31, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 4, 1990.

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**December 13, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 13th day of December, 1990, this Order is issued as a result of the failure of Plaintiff, Warren L. Custer, to advise the Board of Claims within thirty (30) days of May 31, 1990, whether or not Plaintiff received the monies directed be paid to said Plaintiff.

It is, therefore, **DIRECTED** that the Rule of May 31, 1990 be made **ABSOLUTE** and the record be marked closed and settled with prejudice."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 18, 1990**

Acceptance of Service of Opinion and Order dated December 13, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 14, 1990.

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**December 18, 1990**

Acceptance of Service of Opinion and Order dated December 13, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 14, 1990.

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**CLOSED**