

Docket Number: 1109

DICKERSON ENTERPRISES, INC.,
W.P. DICKERSON & SONS, INC. and
O.W. HUBBELL & SONS, INC.

Bradford H. Charles, Esquire

VS.
CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney
James W. Kutz, Assistant Counsel~~

April 3, 1987

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$8,960.22

April 8, 1987

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

April 9, 1987

Acceptance of Service of Statement of Claim received from Defendant. Receipt of same acknowledged by Defendant April 8, 1987.

April 13, 1987

Acceptance of Service of Statement of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General April 13, 1987.

CLOSED

May 1, 1987

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

July 27, 1987

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

November 6, 1987

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

December 23, 1987

Request for Production of Documents of Claimants Directed to Respondent and also Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 4, 1988

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.

March 31, 1988

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

March 31, 1988

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

June 10, 1988

Hearing scheduled for July 12 and 13, 1988, if necessary, before the Eastern District to be held in Courtroom No. 2 commencing at 10:00 a.m.

CLOSED

July 12, 1988

Hearing held in Board's Courtroom No. 2, Eastern District, commencing at 10:00 a.m. Case settled.

July 20, 1988

Testimony for hearing held July 12, 1988 filed.

July 21, 1988

Copy of testimony for hearing held July 12, 1988 forwarded to attorney for Defendant.

July 22, 1988

Acceptance of Service of testimony for hearing held July 12, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 22, 1988.

August 24, 1988

Report of Eastern Panel filed.

September 20, 1988

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 20th day of September, 1988, upon consideration of the pleadings, record and statements of counsel, it is hereby **ORDERED** and **DECREED** that the case be marked settled and closed upon the following terms and conditions: Defendant, Commonwealth of Pennsylvania, Department of Transportation, will waive its Claim for rebate in the amount of Three Thousand Seven Hundred Twenty-Two Dollars and Sixty Cents (\$3,722.60) for certain expansion and deflection joints. Plaintiffs, Dickerson Enterprises, Inc., W. P.

September 20, 1988 (cont'd)

Dickerson and Sons, Inc., O. W. Hubbell and Sons, Inc., will waive their Claim for the extra work required to perform the static load tests on poles installed at the project and also to remove and color-code wiring installed at the project. Defendant, Commonwealth of Pennsylvania, Department of Transportation, shall pay to the Plaintiffs, Dickerson Enterprises, Inc., W. P. Dickerson and Sons, Inc., O. W. Hubbell and Sons, Inc., the sum of One Thousand Five Hundred Dollars (\$1,500.00). Such payment shall not be construed as an admission by any party. On payment thereof, Plaintiffs shall file with the Board a Praecipe to discontinue the matter with prejudice. Should the terms and conditions enumerated not be met, any party may petition the Board of Grads to re-open the case for hearing on the merits. All parties to pay their own costs."

CLOSED

September 21, 1988

Copies of Opinion and Order dated September 20, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

September 22, 1988

Acceptance of Service of Opinion and Order dated September 20, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 21, 1988.

September 30, 1988

Acceptance of Service of Opinion and Order dated September 20, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 25, 1988.

June 1, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 1st day of June, 1990, a Rule to Show Cause is issued upon Plaintiffs, Dickerson Enterprises, Inc., W. P. Dickerson & Sons, Inc. and O. W. Hubbell & Sons, Inc., wherein said Plaintiffs are directed to advise the Board within thirty (30) days of this Order whether or not the Plaintiffs have received full compliance with the Order rendered on said September 20, 1988. This Rule to Show Cause shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a justifiable response to this Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

June 4, 1990

Acceptance of Service of Opinion and Order dated June 1, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 1, 1990.

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, Dick Enterprises, Inc., W. P. Dickerson & Sons, Inc. and O. W. Hubbell & Sons, Inc., to advise the Board of Claims within thirty (30) days of June 1, 1990, whether or not Plaintiff received the monies directed to be paid to said Plaintiff.

It is, therefore, **DIRECTED** that the Rule of June 1, 1990 be made **ABSOLUTE** and the record be marked closed and settled with prejudice." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

December 17, 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 17, 1990.

CLOSED