

Docket Number: 1120

SHOVEL TRANSFER & STORAGE, INC.
William G. Merchant, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LIQUOR CONTROL BOARD
~~Cathy P. DiVito, Chief Counsel~~
~~Kenneth B. Skelly, Chief Counsel~~
Francis X. O'Brien, Chief Counsel
Eileen Maunus, Deputy Chief Counsel

June 8, 1987

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$7,881,775.40+.

June 16, 1987

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

June 23, 1987

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

June 24, 1987

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 17, 1987.

July 6, 1987

Motion to Stay Proceedings Pending Determination of the Same Issue by the Commonwealth Court of Pennsylvania filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 16, 1987

Answer Responding to the Pennsylvania Liquor Control Board's Motion to Stay Proceedings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 21, 1987

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 21st day of August, 1987 the Motion to Stay Proceedings in the above captioned matter is hereby **GRANTED."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 26, 1987

Acceptance of Service of Opinion and Order dated August 21, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 25, 1987.

August 31, 1987

Acceptance of Service of Opinion and Order dated August 21, 1987 received from attorney for Plaintiff. Receipt of same acknowledged

by attorney for Plaintiff August 26, 1987.

March 21, 1988

Motion to Vacate Stay Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 30, 1988

Reply to Motion to Vacate Stay Order and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 8, 1988

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

June 10, 1988

The Board rendered an Opinion and made the following Order: "AND NOW, this 10th day of June, 1988, upon due consideration of the Motion filed by the Plaintiff to vacate the Stay Order and the Order of the Board, wherein the Board stated that it would vacate the Stay upon the Motion of any party, the Board does **GRANT** the Motion of the Plaintiff and the Stay Order is vacated. The Defendant is **DIRECTED** to file responsive pleadings within thirty (30) days of the date of this Order. It is further suggested by the Board, due to the delay in the Stay, that both Plaintiff and Defendant expedite their discovery proceedings and bring this litigation to issue wherein a hearing may be scheduled, evidence presented, Briefs filed and an Opinion rendered."

June 13, 1988

Copies of Opinion and Order dated June 10, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

June 16, 1988

Acceptance of Service of Opinion and Order dated June 13, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 15, 1988.

June 20, 1988

Acceptance of Service of Opinion and Order dated June 13, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 16, 1988.

July 29, 1988

Motion to Stay Proceedings Pending Determination of Appeal in the Supreme Court of Pennsylvania filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 3, 1988

Reply in Opposition to Motion to Stay Proceedings and New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 11, 1988

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of October, 1988, the proceedings as they are filed before the Board of Claims will be considered **STAYED** until the matter pending before the Supreme Court of the Commonwealth of Pennsylvania is ruled upon." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 19, 1988

Acceptance of Service of Opinion and Order dated October 11, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 14, 1988.

October 20, 1988

Acceptance of Service of Opinion and Order dated October 11, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 14, 1988.

January 16, 1990

Motion to Vacate Stay of Proceedings, Proposed Order and copy of Opinion of Supreme Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 6, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of April, 1990, it is hereby **ORDERED** and **DECREED** that the Stay Order of October 11, 1988, be and is hereby **VACATED**.

It is further Ordered and Decreed that the parties shall proceed with and complete all discovery within One Hundred Twenty (120) days of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 16, 1990

Acceptance of Service of Opinion and Order dated April 6, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 9, 1990.

April 20, 1990

Acceptance of Service of Opinion and Order dated April 6, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 17, 1990.

June 25, 1990

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

July 1, 1990

Notice of Depositions of Shovel Transfer and Storage, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 24, 1990

Claimant's Brief in Support of Motion for Leave to File Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 20, 1990

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

September 25, 1990

Response of Pennsylvania Liquor Control Board in Opposition to Claimant's Motion for Leave to file Amended Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 19, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of October, 1990, the request of the Plaintiff in the nature of a Motion for Leave to File an Amended Complaint is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 19, 1990

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

October 24, 1990

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 22, 1990.

October 30, 1990

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 2, 1990.

November 5, 1990

The Board rendered an Opinion and made the following Order: "AND NOW, this 5th day of November, 1990, the defendant is given thirty (30) days from the order dated October 19, 1990 to file an appropriate pleading." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 8, 1990

Motion for Certification of Board's Order of October 19, 1990 and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 13, 1990

Acceptance of Service of Order dated November 5, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 7, 1990.

November 14, 1990

The Board made the following Order: "AND NOW, to wit, this 14th day of November, 1990, upon consideration of the foregoing Motion for Certification, it is hereby **ORDERED, ADJUDGED AND DECREED**, that this Board's Order of October 19, 1990 involves a controlling question of law as to which there is a substantial ground for difference of opinion and this Board certifies that an appeal to the Commonwealth Court would materially advance the ultimate determination of the litigation." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 16, 1990

Acceptance of Service of Opinion and Order dated November 5, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 7, 1990.

November 19, 1990

Copy of Petition for Permission to Appeal Pursuant to 42 Pa. C.S.A. §702(b) as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 26, 1990

Acceptance of Service of Order dated November 14, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 20, 1990.

November 26, 1990

Acceptance of Service of Order dated November 14, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Plaintiff November 19, 1990.

January 2, 1991

Copy of Order received from Commonwealth Court; Order as follows:
"NOW, December 27, 1990, upon consideration of petitioner's petition for permission to appeal, said petition is granted and said appeal is allowed from the order entered by the Board of Claims on October 19, 1990 at Docket No. 1120. The Chief Clerk is directed to list oral argument on the merits of this matter on the April 1991 Argument List at Harrisburg. The Executive Secretary of the Board of Claims shall certify the record in this matter to this Court on or before January 21, 1991. Petitioner shall file and serve its brief and reproduced record (15 copies) on or before February 18, 1991. Respondents shall file and serve their briefs (15 copies) on or before March 18, 1991. All proceedings in this matter in the Board of Claims are stayed pending resolution of the instant appeal. In addition to mailing copies of this Order to counsel of record, the Chief Clerk is directed to mail a copy of same to the Executive Secretary of the Board of Claims."

January 17, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 17th day of January, 1991, it is **ORDERED** and **DIRECTED** by the Board of Claims that the Answer to the Claimant's Original Complaint in the above-entitled matter is **STAYED** until the matter is determined by the Commonwealth Court. In the event the amendment is permitted, then the Pennsylvania Liquor Control Board will be required to respond to the said Amended Complaint. In the event it is not permitted, the Pennsylvania Liquor Control Board is directed to file, within thirty (30) days from the date of said Opinion, its Answer or Response to Claimant's original Complaint."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 17, 1991

File transmitted to Commonwealth Court.

January 28, 1991

Acceptance of Service of Opinion and Order dated January 17, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 22, 1991.

February 4, 1991

Acceptance of Service of Opinion and Order dated January 17, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 21, 1991.

March 26, 1991

Courtesy copy of Brief of Appellee, Pennsylvania Liquor Control Board, as filed in Commonwealth Court, received from attorney for Defendant.

April 22, 1991

Courtesy copy of Brief of Appellant in Support of Appeal from Order of Pennsylvania Board of Claims at Docket No. 1120 Denying Motion for Leave to file Amended Claim, as filed in Commonwealth Court, received from attorney for Plaintiff.

August 22, 1991

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "**NOW**, August, 1991, the order of the Board of Claims in the above-captioned matter is hereby vacated and the case is remanded for further proceedings consistent with this opinion. Jurisdiction relinquished."

October 31, 1991

File returned from Commonwealth Court.

November 25, 1991

Motion for Order Consistent With Opinion of the Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED
December 19, 1991
The Board rendered an opinion and made the following Order: "**NOW**, this 19th day of December, 1991, it is **ORDERED** and **DECREED** that the Plaintiff, Shovel Transfer & Storage, Inc., be and is hereby permitted to amend its Claim in accordance with the ruling of the Commonwealth Court. It is further **ORDERED** and **DECREED** that the Plaintiff is directed to file its Amended Claim within twenty (20) days of the date of this Order. Additionally, it is **ORDERED** and **DECREED** that the Motion for Order Consistent With Opinion of the Commonwealth Court, as filed by Plaintiff, is **DISMISSED** as being **MOOT**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

January 6, 1992

Acceptance of Service of Opinion and Order dated December 19, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 24, 1991.

January 6, 1992

First Amended Claim filed by attorney for Plaintiff. Amount of Claim: \$300,000.00+.

January 9, 1992

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

January 14, 1992

Acceptance of Service of Opinion and Order dated December 19, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 10, 1992.

January 16, 1992

Acceptance of Service of First Amended Claim filed by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 13, 1992.

February 7, 1992

Responsive Pleading to First Amended Claim and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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

June 3, 1992

Respondent's Request for Production of Documents as well as Respondent's Interrogatories to Claimant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 30, 1992

Claimant's Request for Admissions, Interrogatory and Document Request Directed to Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 3, 1992

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

August 3, 1992

Claimant's Responses and Answers to Respondent's Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 1, 1993

Claimant's Supplemental Responses to Interrogatories 8, 9, 12 and 17, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 9, 1993

Hearing scheduled for December 7, 8, 9 and 10, 1993 as well as December 14, 15, 16 and 17, 1993, if necessary, in Board's Courtroom No. 1, Room 707 Transportation & Safety Building, Harrisburg, PA commencing at 11:15 on December 7, 1993, and commencing at 10:00 a.m. each day thereafter.

September 9, 1993

The Board rendered an Opinion and made the following Order: "AND NOW, this 9th day of September, 1993, for the reasons set forth in the foregoing Opinion, it is **ORDERED** and **DIRECTED** that all issues relating to the validity of the alleged contract between Shovel Transfer and Storage, Inc. and Commonwealth of Pennsylvania, Pennsylvania Liquor Control Board shall be determined in separate trials which shall take place prior to the trial on the issues of the breach of contract and damages in the assumpsit action, in accordance with the hearing schedule of the Board of Claims." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 21, 1993

Acceptance of Service of Opinion and Order dated September 9, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 14, 1993.

September 24, 1993

Acceptance of Service of Opinion and Order dated September 9, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 20, 1993.

December 7, 1993

Bifurcated hearing on the issue as to whether or not a contract exists held this date commencing at 9:30 a.m.

December 8, 1993

Bifurcated hearing on the issue as to whether or not a contract exists held this date commencing at 9:30 a.m. Contract issue completed.

(undated)

Claimant's Memorandum of Law Regarding Failure to Answer Request

for Admissions filed by attorney for Plaintiff.

December 8, 1993

Answer to Claimant's Request for Admission Interrogatory, and Document Request Directed to Respondent filed by Defendant at time of hearing. Copy given to all counsel of record at time of hearing.

January 6, 1994

Testimony for hearing held December 7 and 8, 1993 filed.

January 14, 1994

Copy of testimony for hearing held December 7 and 8, 1993 forwarded to attorney for Defendant.

January 26, 1994

Acceptance of Service of testimony for hearing held December 7 and 8, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 25, 1994.

January 27, 1994

Claimant's Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 28, 1994

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

March 9, 1994

Claimant's Answer in Opposition to the Application for Permission to File Amicus Curiae Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Office of General Counsel by attorney for Plaintiff.

March 14, 1994

Reply of Applicants to Claimant's Answer in Opposition to the Application to File Amicus Curiae Brief filed by attorney for Office

of General Counsel. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Office of Attorney General Counsel.

April 11, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of April, 1994, it is **ORDERED** and **DECREED** that the Plaintiff, Shovel Transfer Storage, Inc., be and is hereby permitted to amend its Claim in accordance with the ruling of the Commonwealth Court. It is further **ORDERED** and **DECREED** that the Plaintiff is directed to file its Amended Complaint within twenty (20) days of the date of this Order. Additionally, it is **ORDERED** and **DECREED** that the Motion for Order Consistent with Opinion of the Commonwealth Court, as filed by Plaintiff, is **DISMISSED** as being **MOOT**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 19, 1994

Acceptance of Service of Opinion and Order dated April 11, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 13, 1994.

April 25, 1994

The Board rendered an Amended Opinion and made the following Order: "**AND NOW**, this 25th day of April, 1994, it is **ORDERED** and **DECREED** that the Order of April 11, 1994, is **MOOT** as being superfluous." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 27, 1994

Acceptance of Service of Opinion and Order dated April 11, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 28, 1994.

April 28, 1994

Acceptance of Service of Amended Opinion and Order dated April 25, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 26, 1994.

May 11, 1994

Acceptance of Service of Amended Opinion and Order dated April 25, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 5, 1994.

November 4, 1994

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 4th day of November, 1994, as a valid contract did not exist between Plaintiff, Shovel Transfer and Storage, Inc. and the Defendant, Commonwealth of Pennsylvania, Pennsylvania Liquor Control Board, the Claim of Shovel Transfer Storage, Inc. is hereby **DISMISSED."** Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

November 14, 1994

Acceptance of Service of Opinion and Order dated November 4, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 14, 1994.

November 22, 1994

Acceptance of Service of Opinion and Order dated November 4, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 22, 1994.

November 28, 1994

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

January 12, 1995

Petition for Review filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. (No. 3151 C.D. 1994)

February 2, 1995

File transmitted to Commonwealth Court.

October 24, 1995

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, this 19th day of October, 1995, Pennsylvania Liquor Control Board's motion to quash appeal is granted and the appeal of Shovel Transfer and Storage, Inc. is dismissed."

April 24, 1998

Copy of Opinion and Order received from the Supreme Court of Pennsylvania, Western District. Order as follows: "PER CURIAM AND NOW, this 22nd day of April, 1998, the petition for allowance

of appeal is granted."

October 29, 1999

[699 A.2d 1324 (Pa. Commw. 1997)] Opinion rendered in Supreme Court of Pennsylvania Western District as follows: "Accordingly, we reverse the order of the Commonwealth Court and hold that a valid contract existed between the parties. We remand this matter to the Board of Claims for a determination of the damages due to Shovel Transfer for the PLCB's breach of this contract."

December 21, 1999

File returned from Commonwealth Court.

January 18, 2000

Letter filed by attorney for Plaintiff requesting a hearing be set.

January 26, 2000

The Board rendered the following Order: "**AND NOW**, this 26th day of January, 2000, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board beginning on May 8, 2000 through May 12, 2000, if necessary. Said hearing shall be held in Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery herein shall be completed no later than forty-five (45) days prior to May 8, 2000." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 3, 2000

Acceptance of Service of Order dated January 26, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 28, 2000.

April 7, 2000

Plaintiff's Pre-Trial Statement filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 7, 2000

Defendant's Pre-Trial Statement filed. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 19, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of April, 2000, it is **ORDERED** and **DECREED** that the trial scheduled to begin on May 8, 2000 shall now begin on May

11, 2000, at 9:30 a.m. and shall continue through May 12, 2000." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 25, 2000

Respondent Pennsylvania Liquor Control Board's Motion in Limine and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff May 2, 2000.

May 1, 2000

Acceptance of Service of Opinion and Order dated April 19, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff 4/24/00.

May 2, 2000

Claimant's Answer in Opposition to Respondent's Motion in Limine as well as Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 2, 2000

The Board rendered the following Order: "**AND NOW**, this 2nd day of May, 2000, after consideration of Respondent's Commonwealth of Pennsylvania, Pennsylvania Liquor Control Board, Motion in Limine and Claimant's, Shovel Transfer & Storage, Inc., Response thereto it is **ORDERED** and **DECREED** that said Motion is **DENIED**. After the extensive litigation in this matter, the principle of judicial economy is outweighed by the necessity to conduct a thorough and complete hearing. A ruling on the issues of damages will be made after testimony has concluded and the parties have had an opportunity to fully argue and brief the issue." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 5, 2000

Acceptance of Service of Opinion and Order dated April 19, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 20, 2000.

May 5, 2000

Acceptance of Service of Opinion and Order dated May 2, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 3, 2000.

May 10, 2000

Acceptance of Service of Opinion and Order dated May 2, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by Plaintiff 5/5/00.

May 11, 2000

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case Completed.

June 7, 2000

Testimony for hearing held May 11, 2000 filed.

June 9, 2000

Copy of testimony for hearing held May 11, 2000 forwarded to attorney for Defendant. Defendant's Findings of Fact, Conclusions of Law due July 10, 2000. Plaintiff's Findings of Fact, Conclusions of Law due August 10, 2000.

June 16, 2000

Acceptance of Service of Testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 14, 2000.

July 7, 2000

Plaintiff's Findings of Fact, Conclusions of Law and Brief filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 10, 2000

Defendant's Findings of Fact, Conclusions of Law and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 14, 2001

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of February, 2001, it is hereby **ORDERED** that an award be entered in favor of the Claimant, Shovel Transfer & Storage, Inc., in the amount of One Million Eight Hundred Thirty-Four Thousand Five Hundred Fifty-Six Dollars and Thirteen

Cents (\$1,834,556.13), plus interest at the legal rate of six percent (6%) from the date of December 7, 1987, the date the Claim accrued as per the Pennsylvania Supreme Court's decision dated October 27, 1999. Upon receipt of payment of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked settled and ended with prejudice." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

February 21, 2001

Acceptance of Service of Opinion and Order dated February 21, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 15, 2001.

February 21, 2001

Acceptance of Service of Opinion and Order dated February 21, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 15, 2001.

March 9, 2001

Petition for Review received from Commonwealth Court. Record to be transmitted on/or before May 3, 2001. [Docket No. 623 C.D. 2001]

March 28, 2001

Defendant's Docketing Statement as filed in Commonwealth Court.

April 16, 2001

File transferred to Commonwealth Court.

April 27, 2001

Praecipe to Discontinue as filed in Commonwealth Court filed by attorney for Defendant.

April 27, 2001

Notice that the case is discontinued in Commonwealth Court filed.
Filed returned from Commonwealth Court.

CLOSED