

Docket Number: 1129

ADAMS COUNTY ASPHALT

Kevin E. Osborne, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~
~~Kenneth B. Allen, Assistant Counsel~~
~~Stephen J. Busterna, Assistant Counsel~~

July 24, 1987

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$11,200.00+.

July 28, 1987

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

July 29, 1987

Acceptance of Service of Claim received from Defendant. Receipt of same acknowledged by attorney for Defendant July 28, 1987.

August 5, 1987

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 29, 1987.

August 18, 1987

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

August 18, 1987

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

August 18, 1987

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

September 2, 1987

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

September 25, 1987

Praecipe for Entry of Appearance of Stephen J. Busterna, Assistant Counsel on behalf of Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 1, 1987

Answers to Interrogatories as well as Answers to Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 29, 1988

Hearing scheduled for March 23, 24 and 25, 1988, if necessary, before the Eastern District, to be held in Board's Courtroom No. 2, commencing at 10:00 a.m.

March 23, 1988

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

March 28, 1988

Testimony for hearing held March 23, 1988 filed.

March 30, 1988

Copy of testimony for hearing held March 23, 1988 forwarded to attorney for Defendant.

March 31, 1988

Acceptance of Service of testimony for hearing held March 23, 1988 received from Defendant. Receipt of same acknowledged by Defendant March 30, 1988.

April 12, 1988

Eastern District Panel Hearing Report filed.

April 18, 1988

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

April 21, 1988

The Board rendered an Opinion and made the following Order: "In review of the record and all documents contained therein and a Report of the Eastern Panel Hearing members, the Board of Claims accepts said Panel Report and **DIRECTS** and **ORDERS** that the Commonwealth of Pennsylvania, Department of Transportation pay to Adams County Asphalt the sum of Two Thousand Dollars (\$2,000.00) and receive in exchange a Release of any and all claims that the Plaintiff may have against the Defendant. Upon receipt of the

April 21, 1988 (cont'd)

monies herein directed, Plaintiff shall furnish to the Board of Claims a Praecipe setting forth that they received said monies and that the matter be withdrawn with prejudice. In the event that the terms and conditions of the settlement are not consummated, then the Board of Claims shall be put on notice to re-open the record and to proceed with the case on the merits. Each party to bear its own costs."

April 21, 1988

The Board made the following Order: **"AND NOW**, this 21st day of April, 1988, upon receipt of Praecipe to mark the above-captioned matter "discontinued, ended and settled with prejudice", executed by Kevin E. Osborn, Esquire, on behalf of Plaintiff, said of which documented with this Board under date of April 18, 1988, it is **ORDERED** and **DIRECTED** that said case be marked discontinued, ended and settled with prejudice."

April 22, 1988

Copy of Opinion and Order dated April 21, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

April 28, 1988

Acceptance of Service of Opinion and Order dated April 21, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 26, 1988.

April 28, 1988

Acceptance of Service of Opinion and Order dated April 21, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 27, 1988.

April 28, 1988

Acceptance of Service of Order dated April 21, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 27, 1988.

May 4, 1988

Acceptance of Service of Order dated April 21, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 29, 1988.
