

Docket Number: 1182

PAVEX, INCORPORATED

John A. Gill, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

James W. Kutz, Chief Counsel

December 9, 1987

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim:\$176,129.81+

December 17, 1987

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

December 21, 1987

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 18, 1987.

December 30, 1987

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office Attorney General December 21, 1987.

January 12, 1988

Preliminary Objections to Plaintiff's Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 18, 1988

Amendment to Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 23, 1988

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

March 24, 1988

Acceptance of Service of Amendment to Claim received from attorney from Office of Attorney General. Receipt of same acknowledged by attorney for Defendant March 22, 1988.

April 21, 1988

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

April 21, 1988

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

June 6, 1988

Plaintiff's Answer's to Defendant's Interrogatories to Plaintiff Pavex, Incorporated-First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 14, 1988

Plaintiff's Interrogatories and Request for Production of Documents to Defendants, Commonwealth of Pennsylvania, Department of Transportation-First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 6, 1989

Answer to Pavex Incorporated First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 6, 1989

Answer to Plaintiff's Interrogatories and Requests for Production of Documents to Defendant's, Commonwealth of Pennsylvania, Department of Transportation - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 16, 1989

Defendant's Second Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 9, 1990

Hearing scheduled for April 27, 1990, through April 27, 1990, and May 1, 1990, through May 4, 199, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

March 9, 1990

Defendant's Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 11, 1990

Answers to Plaintiff's Second Set of Interrogatories Addressed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 24, 1990

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

May 3, 1990

Testimony of hearing held April 24, 1990 filed.

May 8, 1990

Copy of testimony for hearing held April 24, 1990 forwarded to attorney for Defendant.

May 9, 1990

Acceptance of Service of testimony for hearing held April 24, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 8, 1990.

June 14, 1990

The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of June, 1990, it is ORDERED and DECREED that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is indebted unto the Plaintiff, Pavex, Inc., in the full and true sum of One Hundred Thirty-Five Thousand Dollars (\$135,000.00). Each party to bear its own costs. It is further ORDERED and DECREED that upon receipt of the monies, counsel for Plaintiff shall file a Praecipe with the Board of Claims acknowledging receipt of said monies and requesting that the case be marked closed and terminated with prejudice. Should the Federal Aviation Administration fail or refuse to grant its permission to settle in this fashion, either party may request that the case be reopened for a full evidentiary hearing." Copy forwarded to attorney for Plaintiff and attorney Defendant.

June 19, 1990

Acceptance of Service of Opinion and Order dated June 14, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 15, 1990.

June 25, 1990

Acceptance of Service of Opinion and Order dated June 14, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 18, 1990.

August 7, 1990

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

August 10, 1990

The Board made the following Order: "AND NOW, this 10th day of August, 1990, upon receipt of Praecipe to "close and terminate with prejudice" and acknowledging that monies have been paid, executed by John A. Gill, Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of August 7, 1990, 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.

August 15, 1990

Acceptance of Service of Order dated August 10, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 1990.