

Docket Number: 1189

**** HANSON AGGREGATES PENNSYLVANIA, INC.,
~~*HANSON MATERIALS, INC.~~, successor by merger to the
GENERAL CRUSHED STONE COMPANY**

C. Grainger Bowman, Esquire
Paul A. Logan, Esquire
David W. Francis, Esquire

CLOSED

**COMMONWEALTH OF PENNSYLVANIA
STATE PUBLIC SCHOOL BUILDING AUTHORITY**

~~James R. Clipinger, Chief Counsel
Barbara H. Stratton, Esquire
Meghan Wise, Esquire
Bruce C. Fuchs, Esquire
Jules Henshell, Esquire
G. Richard Gold, Esquire
Todd P. Prugar, Esquire~~

December 22, 1987

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$50,000.00+.

December 30, 1987

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

January 4, 1988

Acceptance of Service of Claim received from Defendant. Receipt of same acknowledged by Defendant January 4, 1988.

January 8, 1988

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General December 31, 1988.

January 13, 1988

Notice of Appearance filed by Barbara H. Stratton, Esquire, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 29, 1988

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

February 29, 1988

Brief of the State Public School Building Authority in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 4, 1988

Answer to Preliminary Objections as well as Brief in Opposition to Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 16, 1988

Additional letter added Exhibit "B" of the Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 27, 1988

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of May, 1988, the Preliminary Objections as filed by the Defendant are **DENIED** and the Defendant is directed to file appropriate pleadings within thirty (30) days of the date of this Order."

May 31, 1988

Copy of Opinion and Order dated May 27, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

June 6, 1988

Acceptance of service of Opinion and Order dated May 27, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 1, 1988.

June 6, 1988

Acceptance of service of Opinion and Order dated May 27, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 7, 1988.

June 28, 1988

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

July 13, 1988

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

June 30, 1989

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

August 17, 1989

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

October 11, 1991

Defendant's Interrogatories Addressed to Plaintiff filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 30, 1992

Plaintiff's Partial Motion for Summary Judgment and Plaintiff's Memorandum of Law in Support of its Motion for Partial Summary Judgment and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 28, 1992

Defendant's Consolidated Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Partial Summary Judgment and Proposed Order as well as Defendant's Consolidated Memorandum of Law in Support of its Motion for Summary Judgment and in opposition to Plaintiff's Motion for Partial Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 15, 1992

Plaintiff, the General Crushed Stone Company, Inc.'s Answer to Defendant's Consolidated Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Partial Summary Judgment as well as Plaintiff's Reply Brief to Defendant's Consolidated Cross-Motion for Summary Judgment in Opposition to Plaintiff's Motion for Partial Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 23, 1992

Defendant's Sur-Reply Memorandum of Law in Support of its Cross-Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Partial Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 28, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 28th day of July, 1992, the Motions as presented by both Plaintiff, General Crushed Stone Company and Defendant, Commonwealth of Pennsylvania, State Public School Building Authority, will STAY until the Board receives from counsel for Plaintiff and Defendant, the agreed statement of fact. If counsel for Plaintiff and Defendant cannot agree within ninety (90) days of the date of this Order, and do not file an agreed statement of facts, the Board will address the Motions of Plaintiff and Defendant." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 14, 1992

Acceptance of Service of Opinion and Order dated July 28, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant at August 13, 1992.

July 2, 1993

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

August 13, 1993

Objections of Defendant to Plaintiff's Request for Admissions and Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 6, 1993

Proposed Order, General Crushed Stone Company's Motion to Compel Answers to Plaintiff's Interrogatories Directed to Defendant and to Plaintiff's Requests for Admissions and Memorandum of Law in Support of General Crushed Stone Company's Motion to Compel Answers to Plaintiff's Interrogatories Directed to Defendant and to Plaintiff's Request for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 27, 1993

Entry of Appearance filed by Bruce C. Fuchs, Esquire, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 15, 1993

Opposition of the Commonwealth of Pennsylvania, State Public School Building Authority to General Stone Company's Motion to Compel Answers to Plaintiff's Interrogatories Directed to Defendant and to Plaintiff's Requests for Admissions filed by attorney for Defendant (Jules S. Henshell, Esquire). Copy forwarded to attorney for Plaintiff by attorney for Defendant (Bruce C. Fuchs, Esquire).

November 23, 1993

Praecipe for Entry of Appearance filed by David W. Francis, Esquire and C. Grainger Bowman, Esquire, attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED
December 8, 1993
The Board rendered an opinion and made the following Order: "And NOW, this 8th day of December, 1993, all motions presented by both Plaintiff and Defendant are **DENIED**. This matter will be listed for trial in the near future." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 17, 1993

Acceptance of Service of Opinion and Order dated December 8, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 14, 1993.

November 21, 1994

Pre-Trial Conference scheduled for February 14, 1995, in Judge's Chambers, located at Room 1201 Labor & Industry Building, Harrisburg, PA to commence at 9:30 a.m.

February 14, 1995

Pre-Trial Conference held this date in the Judge's Chambers, 7th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:25 a.m.

November 30, 1998

Letter forwarded to parties requesting status. Status Report due on or before December 30, 1998.

December 7, 1998

Hearing scheduled for May 10, 11, 12, 13 & 14, 1999, in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA commencing at 9:30 a.m.

December 29, 1998

Letter/Status Report received from attorney for Plaintiff advising that they anticipate submitting either additional Requests for Admission or a Motion to Compel outstanding discovery on Defendant and based upon the admissions, Plaintiff may file a Motion for Summary Judgment.

February 24, 1999

Notice of Service of Defendant's Second Set of Interrogatories and Request for Production of Documents filed by attorney for Defendant.

March 15, 1999

Notice of Deposition of Designated Representative, General Crushed Stone Company, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 15, 1999

Answer of General Crushed Stone Company to Requests for Admission Directed to General Crushed Stone Company filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 17, 1999

Praecipe to Substitute Named Plaintiff as Hanson Materials, Inc., successor by merger to the General Crushed Stone Company, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 19, 1999

Notice of Service of Defendant's Supplemental Request for Production of Documents Directed to Plaintiff, filed by attorney for Defendant.

March 19, 1999

Notice of Deposition of C. Warren Nerz filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

*** March 25, 1999**

The Board rendered an Opinion and made the following Order; **"AND NOW**, this 25th day of March, 1999, it is **ORDERED** and **DECREED** that hereinafter the Plaintiff shall be referred to as Hanson Materials, Inc., successor by merger to the General Crushed Stone Company." Copy forwarded to attorney for Plaintiff and attorneys for Defendant.

March 29, 1999

Praecipe to Correct Substituted Named Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 29, 1999

Acceptance of Service of Opinion and Order dated March 25, 1999 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant March 26, 1999.

March 30, 1999

Motion to Compel and Request for Extension of Time, along with Proposed Order, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

****April 5, 1999**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 5th day of April, 1999, it is **ORDERED** and **DECREED** that hereinafter the Plaintiff shall be referred to as Hanson Aggregates Pennsylvania, Inc., successor by merger to the General Crushed Stone Company." Copy forwarded to attorney for Plaintiff and attorneys for Defendant.

April 7, 1999

Acceptance of Service of Opinion and Order dated March 25, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 29, 1999.

April 12, 1999

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

April 15, 1999

Plaintiff's Answer to Defendant's Motion to Compel and Request for Extension filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 19, 1999

Acceptance of Service of Opinion and Order dated April 5, 1999 received from attorney for Plaintiff (Logan). Receipt of same acknowledged by attorney for Plaintiff April 16, 1999.

April 19, 1999

Motion for Summary Judgment, Brief in Support of Motion for Summary Judgment, Exhibits to Brief in Support of Motion for Summary Judgment and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 22, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 22nd day of April, 1999, upon consideration of Defendant's motion to compel answers to the second Set of Interrogatories and Requests for Production (Second Set) and Plaintiff's response thereto, the motion is **GRANTED** and **IT IS ORDERED** that the Plaintiff file full and complete answers to the Second Set within seven (7) days of the exit date of this Order. **FURTHER**, upon consideration of Defendant's motion for an extension of time to file a pretrial statement which is not opposed by the Plaintiff, the motion is **GRANTED** and **IT IS ORDERED** that the Defendant may file or supplement its pretrial statement until May 5, 1999. **FURTHER**, upon consideration of Defendant's motion for summary judgment, the motion is **DENIED** as untimely filed." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 23, 1999

Notice of Deposition of Paul A. Logan, Esquire filed by attorney for Defendant.

April 23, 1999

Second Notice of Deposition of a Designated Representative(s) of Plaintiff filed by attorney for Defendant.

April 26, 1999

Motion for Reconsideration, Brief in Support of Motion for Reconsideration and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 26, 1999

Acceptance of Service of Opinion and Order dated April 22, 1999 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant April 23, 1999.

April 26, 1999

Motion to Dismiss for Failure to File Pre-Trial Statement, Brief in Support of Motion to Dismiss for Failure to File Pre-Trial Statement and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 27, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of April, 1999, upon consideration of the Motion to Dismiss filed by Defendant, **IT IS ORDERED, ADJUDGED, and DECREED** that the Motion is **GRANTED** and this action is **DISMISSED WITH PREJUDICE** because Plaintiff has failed to file a pretrial statement. **FURTHER**, upon consideration of the Motion for Reconsideration of the Denial of Defendant's Motion for Summary Judgment, **IT IS ORDERED, ADJUDGED and DECREED** that the Motion is **GRANTED** as moot." Copies forwarded to attorneys for Plaintiff and attorney for Defendant.

April 28, 1999

Acceptance of Service of Opinion and Order dated April 5, 1999 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant April 6, 1999.

April 29, 1999

Acceptance of Service of Opinion and Order dated April 27, 1999 received from attorney for Plaintiff (Francis). Receipt of same acknowledged by attorney for Plaintiff April 28, 1999.

April 29, 1999

Acceptance of Service of Opinion and Order dated April 27, 1999 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant April 28, 1999.

April 29, 1999

Acceptance of Service of Opinion and Order dated April 22, 1999 received from attorney for Plaintiff (Logan). Receipt of same acknowledged by attorney for Plaintiff April 26, 1999.
