

Docket Number: 1192

NOBLE C. QUANDEL COMPANY

James J. Riley, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
STATE PUBLIC SCHOOL BUILDING AUTHORITY

~~James R. Clippinger, Chief Counsel  
Barbara H. Stratton, Esquire  
Meghan F. Wise, Esquire~~

**December 22, 1987**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$72,502.50+.

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**January 4, 1988**

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

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**January 5, 1988**

Acceptance of Service of Claim received from Defendant. Receipt of same acknowledged by Defendant January 5, 1988.

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**January 8, 1988**

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General January 6, 1988.

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**January 13, 1988**

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

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**February 4, 1988**

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

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**March 8, 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.

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**March 25, 1988**

Preliminary Objections to the Preliminary Objections of the Defendant and Plaintiff's Memorandum in Support of its Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 22, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of April, 1988, a review of the docket records and the correspondence, as here and above referred to, the Board of Claims resolves that the Preliminary Objections filed by the Defendant, Commonwealth of Pennsylvania, State Public School Building Authority (SPSBA) and the Preliminary Objections filed by the Claimant, Noble C. Quandel Company, are each **DECLARED** moot. The Defendant is **DIRECTED** to file a response to the Complaint within thirty (30) days of the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**CLOSED**  
April 28, 1988  
Acceptance of Service of Opinion and Order dated April 22, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 26, 1988  
May 5, 1988

Stipulation Staying that Portion of Plaintiff's Claim addressing the temporary heat dispute filed by attorney for Defendant, not executed by attorney for Plaintiff.

**May 6, 1988**

Acceptance of Service of Opinion and Order dated April 22, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 2, 1988.

**May 17, 1988**

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

**June 7, 1988**

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

**June 13, 1988**

Notice of Oral Depositions of Howard G. Stahl, George Peterson, Robert Winder and John Durinzi filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**August 9, 1988**

Request for Production of Documents directed to Noble C. Quandel

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

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**August 12, 1988**

Depositions of George Peterson and Howard Stahl filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 22, 1988**

Hearing scheduled for November 8, 9, and 10, 1988 as well as November 15, 16, 17, and 18, 1988, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**CLOSED**

Hearing rescheduled for November 9 and 10, 1988, as well as November 15, 16, and 17, 1988, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

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**October 20, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of October, 1988, the Plaintiff is **DIRECTED** to file Answers to Defendant's Request for Production of Documents on or before the 20th day of October, 1988. If such documents are not filed, the Board will be receptive to rule upon the appropriate motions. The Request of the Defendant for Continuance is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 7, 1988**

Hearing scheduled for November 9 and 10, 1988, as well as November 15, 16, 17 and 18, 1988, postponed to a later date unknown, due to illness of attorney for Plaintiff.

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**December 5, 1988**

Doctor's Certificate relative to illness received from attorney for Plaintiff.

**December 9, 1988**

Hearing rescheduled for January 10, 11, 12 and 13, 1988, as well as January 17, 18, 19 and 10, 1989, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

**December 21, 1988**

Motion for Summary Judgment as well as Brief in Support of Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**January 5, 1989**

The Board rendered an Opinion and made the following Order: **AND NOW, this 5th day of January, 1989, upon consideration of the record, Defendant's Motion for Summary Judgment and other submissions, the said Motion is hereby DENIED.** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**CLOSED**

**January 10, 1989**

Hearing held in Board's Courtroom No. 1 commencing at 10:14 a.m.

**January 10, 1989**

Trial Brief filed by attorney for Defendant. Copy given the attorney for Plaintiff at time of hearing.

**January 11, 1989**

Hearing held in Board's Courtroom No. 1 commencing at 10:16 a.m.

**January 12, 1989**

Hearing held in Board's Courtroom No. 1 commencing at 10:29 a.m.

**January 13, 1989**

Hearing held in Board's Courtroom No. 1 commencing at 10:52 a.m.

**January 17, 1989**

Hearing held in Board's Courtroom No. 1 commencing at 10:13 a.m.

**January 18, 1989**

Hearing held in Board's Courtroom No. 1 commencing at 10:05 a.m. Case completed.

**February 2, 1989**

Testimony for hearing held January 10, 1989 filed.

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**February 6, 1989**

Copy of testimony for hearing held January 10, 1989 forwarded to attorney for Defendant.

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**February 9, 1989**

Testimony for hearing held January 11, 1989 filed.

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**February 10, 1989**

Copy of testimony for hearing held January 11, 1989 forwarded to attorney for Defendant.

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**February 10, 1989**

Acceptance of Service of Testimony for hearing dated January 11, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 8, 1989.

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**February 10, 1989**

Testimony for hearing held January 12, 1989 forwarded to attorney for Defendant.

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**February 13, 1989**

Copy of testimony for hearing held January 12, 1989 forwarded to attorney for Defendant.

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**February 16, 1989**

Acceptance of Service of testimony for hearing held January 11, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 13, 1989.

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**February 17, 1989**

Testimony for hearing held January 13, 1989 filed.

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**February 21, 1989**

Copy of testimony for hearing held January 13, 1989 forwarded to attorney for Defendant.

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**CLOSED**

**February 27, 1989**

Acceptance of Service of testimony for hearing held January 13, 1989 received from Defendant. Receipt of same acknowledged by Defendant February 23, 1989.

**March 1, 1989**

Testimony for hearing held January 17 and 18, 1989 filed.

**March 3, 1989**

Copy of testimony for hearing held January 17 and 18, 1989 forwarded to attorney for Defendant.

**March 9, 1989**

Acceptance of Service of Testimony for hearing held January 17 and 18, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 9, 1989.

**CLOSED**

**April 3, 1989**

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

**May 3, 1989**

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

**June 13, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of June, 1989, the Plaintiff, Noble C. Quandel Company, is **GRANTED** the right to file a Reply Brief limiting the content thereof to the running of the Statute of Limitations and/or the affirmative defense of the Statute of Limitations. The Plaintiff is given thirty (30) days from the date of this Opinion to file this Brief." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**June 16, 1989**

Acceptance of Service of Opinion and Order dated June 13, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 14, 1989.

**June 21, 1989**

Acceptance of Service of Opinion and Order dated June 13, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 15, 1989.

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**July 13, 1989**

Reply Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 20, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of November, 1989, after hearing, the Board makes the following award in favor of the Claimant Claimant Noble C. Quarrel Company, is awarded Forty-Eight Thousand Seven Hundred Seventy-Dollars and Sixty-Nine Cents (\$48,777.69) for the Temporary Heat Claim with interest per annum thereon at a rate of six percent (6%) per annum from January 30, 1986. Claimant, Noble C. Quarrel Company, is awarded One Hundred Fifty Thousand Seven Hundred Eighty-Nine Dollars and Nine Cents (\$105,789.09) for the Site Preparation Claim with interest per annum thereon at a rate of six percent (6%) per annum from September 16, 1986. Upon receipt of payment of said award, Claimant shall forthwith file with the Board a Praeceptum to mark the case closed, settled and ended with prejudice. Each party to pay its own costs." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**November 29, 1989**

Acceptance of Service of Opinion and Order dated November 20, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 24, 1989.

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**December 4, 1989**

Acceptance of Service of Opinion and Order dated November 20, 1989 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 27, 1989.

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**March 23, 1990**

Copy of Order received from Commonwealth Court. Order as follows:  
"NOW, February 15, 1990, it appearing that the above captioned  
Petition for Review was filed on December 29, 1989, and that a notice  
to certify the record was sent on December 19, 1989, and that the  
record has not been certified, it is hereby ordered that the Board  
of Claims shall certify the record to this Court with twenty (20)  
days of the date of this Order."

**March 27, 1990**

Copy of Petition for Review as filed in Commonwealth Court filed  
by attorney for Defendant. Copy forwarded to attorney for Plaintiff  
by attorney for Defendant. [No. 2404 C. 199]

**CLOSED**

**March 28, 1990**

Petition for Review received from Commonwealth Court. [No. 2404 C.  
199]

**March 29, 1990**

File transferred to Commonwealth Court.

**April 12, 1990**

Copy of Designation of Contents of Reproduced Record as filed in  
Commonwealth Court received from attorney for Defendant.

**April 30, 1990**

Copy of Second Supplemental Designation of Contents of Reproduced  
Record as filed in Commonwealth Court received from attorney for  
Defendant.

**May 11, 1990**

Copy of Brief of Appellant for Reproduced Record - Volumes I and  
II as filed in Commonwealth Court received from attorney for  
Defendant.

**June 29, 1990**

Copy of Brief of Appellant as filed in Commonwealth Court received  
from attorney for Plaintiff.

**July 13, 1990**

Copy of Appellant's Reply Brief as filed in Commonwealth Court  
received from attorney for Defendant.

**January 18, 1991**

Copy of Opinion and Order received from Commonwealth Court. Order as follows: **"AND NOW**, this 18th day of January, 1991, the order of the Board of Claims, Docket No. 1192 of 1987, dated November 20, 1989, is affirmed, except to the extent of the award prejudgment interest on the temporary heat claim as of January 30, 1990. We remand and the Board is ordered to recalculate the amount of prejudgment interest on the temporary heat claim as of the date of the Noble C. Quandel Company because liable for fuel and other expenses incurred in providing temporary heat under protest. Jurisdiction is relinquished."

**January 29, 1991**

Copy of Application for Reargument is filed in Commonwealth Court received from attorney for Defendant.

**March 4, 1991**

Copy of Order received from Commonwealth Court. Order follows: **"NOW**, March 4, 1991, having considered petitioner's application for reargument and appellee's answer, the application is denied."

**May 3, 1991**

Stipulation of Counsel executed by attorney for Plaintiff and attorney for Defendant, filed by attorney for Plaintiff.

**May 9, 1991**

File returned from Commonwealth Court.

**May 22, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 22nd day of May, 1991, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, State Public School Building Authority, is indebted unto the Plaintiff, Noble C. Quandel Company, in the full and true sum of One Hundred Ninety-Two Thousand Eight Hundred Twenty-Six Dollars and Forty-Six Cents (\$192,826.46), including interest at the legal rate of six percent (6%) per annum through August 30, 1991. Upon receipt of said award, Plaintiff shall forthwith file with the Board a Praeceptum to mark the case 'settled and ended with prejudice'. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**May 30, 1991**

Acceptance of Service of Opinion and Order dated May 22, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 23, 1991.

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**June 27, 1991**

Acceptance of Service of Opinion and Order dated May 22, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 14, 1991.

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**October 9, 1991**

Letter forwarded to parties directing that a Praecipe be filed within thirty (30) days or record shall be marked closed and settled with prejudice.

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**January 16, 1992**

The Board made the following Order: "AND NOW, this 16th day of January, 1992, this Order is issued as a result from Plaintiff's failure to respond to our letter of October 9, 1991, wherein the Board of Claims requested to be furnished with a Praecipe thirty (30) days from the Board's Order of May 22, 1991. Thereafter, it is **ORDERED** and **DIRECTED** that said case be marked closed and settled with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**CLOSED**