

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+.

January 4, 1988

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

January 5, 1988

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

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.

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.

February 4, 1988

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

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.

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.

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.

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.

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.

October 18, 1988
Motion to Compel Discovery and for Continuance filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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.

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.

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.

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 oral 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.

February 6, 1989

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

February 9, 1989

Testimony for hearing held January 11, 1989 filed.

February 10, 1989

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

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.

February 10, 1989

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

February 13, 1989

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

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.

February 17, 1989

Testimony for hearing held January 13, 1989 filed.

February 21, 1989

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

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 7, 1989.

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.

July 13, 1989

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

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 Rent 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 Praecipe 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.

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.

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.

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. 1989]

March 28, 1990

Petition for Review received from Commonwealth Court. [No. 2404 C. 1989]

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 as 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 Praecipe 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.

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.

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.

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.
