

Docket Number: 1199

J. C. ORR & SON, INC.

Norman I. White, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~Michael D. Reed, Chief of Litigation~~
~~P. Alan Zulick, Deputy Chief Counsel~~
~~Jose E. Morales, Assistant Counsel~~

***January 12, 1988**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$21,352.07.

January 19, 1988

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

January 26, 1988

Acceptance of Service of Claim received from Defendant. Receipt of same acknowledged by Defendant January 20, 1988.

January 26, 1988

Acceptance of Service of Office of Attorney General. Receipt of same acknowledged by Office of Attorney General January 20, 1988.

March 1, 1988

Answer, New Matter and Counterclaim of Defendant Department of General Services filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 13, 1988

Plaintiff's Reply to New Matter and Counterclaim of Defendant Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

***September 16, 1988**

Amended Complaint filed by attorney for Plaintiff. Amount of Claim: \$48,442.29+.

September 20, 1988

Motion to Amend Plaintiff's Complaint and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 22, 1988

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 22nd day of September, 1988, upon reason being shown and accepted by the Board, it is **ORDERED** and **DIRECTED** that the Amended Complaint be accepted by the Board of Claims, made part of the record and docketed as of September 16, 1988." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 22, 1988

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

September 28, 1988

Acceptance of Service of Amended Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General September 23, 1988.

September 29, 1988

Acceptance of Service of Opinion and Order dated September 22, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 23, 1988.

September 29, 1988

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 23, 1988.

October 20, 1988

Acceptance of Service of Opinion and Order dated September 22, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 1988.

October 20, 1988

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 1988.

December 15, 1988

Answer, New Matter and Counterclaim of Defendant Department of General Services filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 28, 1988

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of December, 1988, the request of the Defendant to file an Objection to the Order of the Board granting the Plaintiff the right to file an Amended Complaint is hereby **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 5, 1989

Acceptance of Service of Opinion and Order dated December 28, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 29, 1988.

January 25, 1989

Petition for Leave to File Plaintiff's Second Amended Complaint and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 6, 1989

The Board rendered an Opinion and made the following Order: "AND NOW, this 6th day of March, 1989, upon reasons being shown and accepted to the Board, it is **ORDERED** and **DECREED** that the Second Amended Complaint be accepted by the Board of Claims, made a part of the record and docketed as of January 25, 1989. It is further ordered that the Plaintiff forward a copy of this Second Amended Complaint to counsel for the Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 10, 1989

Acceptance of Service of Opinion and Order dated March 6, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 8, 1989.

March 13, 1989

Acceptance of Service of Opinion and Order dated March 6, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 10, 1989.

March 13, 1989

Second Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Amount of Claim: \$61,497.15.

March 15, 1989

Copy of Second Amended Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General.

March 21, 1989

Acceptance of Service of Second Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 17, 1989.

March 22, 1989

Acceptance of Service of Second Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 16, 1989.

March 30, 1989

Answer, New Matter and Counterclaim of Defendant, Department of General Services to Plaintiff's Second Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 30, 1991

Petition for Leave to File Plaintiff's Third Amended Complaint, Proposed Order and Exhibit A (Third Amended Complaint) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 1, 1991

Answer to Petition for Leave to File Plaintiff's Third Amended Complaint and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 6, 1991

Plaintiff J. C. Orr & Son, Inc.'s Reply to New Matter of the Department of General Services Commonwealth of Pennsylvania to J. C. Orr & Son, Inc.'s Petition for Leave to File Plaintiff's Third Amended Complaint filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 11, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of March, 1991, upon good cause being shown and in accordance with the Pennsylvania Rule of Civil Procedure No. 1033, it is **ORDERED** and **DECREED** that the Third Amended Complaint, adding Counts XII through XXV, be accepted by the Board of Claims, and made part of the record and docketed as of January 30, 1991. The Board will make service of the Third Amended Complaint on counsel for the Defendant." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 11, 1991

Copy of Third Amended Complaint forwarded to attorney for Defendant only.

March 13, 1991

Acceptance of Service of Opinion and Order dated March 11, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 12, 1991.

March 13, 1991

Acceptance of Service of Third Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 12, 1991.

March 15, 1991

Acceptance of Service of Opinion and Order dated March 11, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 12, 1991.

July 2, 1991

Proposed Order as well as Petition for leave to File Plaintiff's Fourth Amended Complaint filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 17, 1991

The Board made the following Order: "**AND NOW**, this 17th day of July, 1991, upon reasons being shown and accepted by the Board, it is **ORDERED** and **DECREEED** that the Fourth Amended Complaint be accepted by the Board of Claims, made a part of the record and docketed as of July 2, 1991. It is further **ORDERED** that the Plaintiff forward this Fourth Amended Complaint to counsel for Defendant." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 19, 1991

Proof of Service of Fourth Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 22, 1991

Acceptance of Service of Order dated July 17, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 18, 1991.

July 23, 1991

It is **DIRECTED** that the Fourth Amended Complaint attached as Exhibit A to Petition for Leave to File Plaintiff's Fourth Amended Complaint is made part of the record and shall be utilized as the appropriate Fourth Amended Complaint. (Per Judge Pace's instructions)

July 24, 1991

Copy of Petition for Leave to File Plaintiff's Fourth Amended Complaint and Exhibit A (Fourth Amended Complaint) forwarded to Chief Deputy Attorney General.

July 29, 1991

Acceptance of Service Order dated July 17, 1991 received from attorney for defendant. Receipt of same acknowledged by attorney for Defendant July 18, 1991.

August 6, 1991

Acceptance of Service of Petition for Leave to File Plaintiff's Fourth Amended Complaint and Exhibit A (Fourth Amended Complaint) received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 25, 1991.

August 29, 1991

Praecipe for Writ to Join Sullivan/ARFAA, P.C. and Rosser White Hobbs Davidson McCellan Kelly, a Joint Venture, Sullivan ARFAA, a Professional Corporation, and Rosser White Hobbs Davidson McCellan Kelly, a Corporation filed by attorney for Defendant.

October 10, 1991

Exploratory hearing scheduled for October 11, 1991 in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10 a.m.

October 11, 1991

Exploratory hearing held this date in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10 a.m. Case settled.

November 19, 1991

Testimony of hearing held October 11, 1991 filed.

November 20, 1991

Copy of testimony for hearing held October 11, 1991 forwarded to attorney for Defendant.

November 26, 1991

Acceptance of Service of testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 25, 1991.

January 6, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of January, 1992, it is **ORDERED** and **DECREED** that the Defendant Commonwealth of Pennsylvania, Department of General Services, is indebted to the Plaintiff, J.C. Orr & Son, Inc., in the full and true sum of Five Hundred Forty-Five Thousand Fifty-One Dollars (\$545,051.00). It is further **ORDERED** and **DECREED** that the Praecipe for Writ to Join the Additional Defendants, Sullivan/ARFAA, P.C. and Rosser White Hobbs Davidson McCellan Kelly, a Joint Venture, Sullivan ARFAA, a Professional Corporation, and Rosser White Hobbs Davidson McCellan Kelly, a Corporation, is hereby **DISMISSED** without prejudice. Upon receipt of payment of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe that the case be marked 'settled and ended with prejudice'. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

January 10, 1992

Acceptance of Service of Opinion and Order dated January 6, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 8, 1992.

January 13, 1992

Acceptance of Service of Opinion and Order dated January 6, 1992 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 9, 1992.

February 7, 1992

Acceptance of Service of Opinion and Order dated January 6, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 8, 1992.

April 29, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of April, 1992, a Rule to Show Cause is issued upon Plaintiff wherein it is directed that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 8, 1992

Acceptance of Service of Opinion and Order dated April 29, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 1, 1992.

May 20, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of May, 1992, upon receipt of a Status Report filed by Stephen A. Moore, Esquire, representing Plaintiff, which states "At the present time, the Plaintiff has received the full amount of the award. Accordingly, the Board may mark this case closed and settled with prejudice", same of which is docketed with this Board under date of May 7, 1992, 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.

May 28, 1992

Acceptance of Service of Order dated May 20, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 21, 1992.

June 10, 1992

Acceptance of Service of Order dated May 20, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 3, 1992.
