

Docket Number: 1235  
\*Consolidated with 1303 and 1309\*

DICK CORPORATION, for the use of H.B. ALEXANDER & SON, INC.

~~Bruce W. Ficken, Esquire~~  
Thomas B. Schmidt, III, Esquire  
John H. Tracy, Esquire  
John F. Myers, Esquire

VS.  
**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Michael D. Reed, Chief of Litigation~~  
Robert W. Doty, Esquire  
~~George M. Medved, Esquire~~  
Andrew M. Roman, Esquire  
Christopher R. Opalinski, Esquire

VS.

CELLI-FLYNN & ASSOCIATES/ H.F. LENZ COMPANY, CELLI-FLYNN &  
ASSOCIATES, H.F. LENZ COMPANY

Mark J. Gesk, Esquire  
Lori A. Arena, Esquire  
\*David A. Neely, Esquire

**McCLURE COMPANY**

~~Kenneth I. Levin, Esquire~~  
~~Carolyn W. Goff, Esquire~~  
~~Michael A. Ceramella, Esquire~~  
James K. Thomas, Esquire

**NOVINGER'S, INC.**

Paul L. Waldron, Esquire

**PHILLIPS BROTHERS ELECTRICAL CONTRACTORS, INC.**

Barbara Sumple-Sullivan, Esquire

**March 8, 1988**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$5,664,051.70.

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**March 10, 1988**

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

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**March 16, 1988**

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General March 11, 1988.

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**CLOSED**

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**March 16, 1988**

Acceptance of Service of Claim received from Defendant. Receipt of same acknowledged by Defendant March 11, 1988.

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**April 5, 1988**

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

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**May 3, 1988**

Interrogatories of H.B. Alexander & Son, Inc. Addressed to the Commonwealth of Pennsylvania Department of General Services - Set I filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 3, 1988**

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

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**June 6, 1988**

Response of Department of H.B. Alexander's Requests for Production of Documents and Answers and Objections of Department to Interrogatories of H. B. Alexander & Son, Inc. Addressed to the Commonwealth of Pennsylvania, Department of General Services - Set I filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 16, 1988**

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

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**June 27, 1988**

Notice of Deposition of Charles H. Gobin, Jr. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 13, 1988**

Reply to New Matter Raised by Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 15, 1988**

Motion for Protective Order of Commonwealth of Pennsylvania, Department of General Services as well as Proposed Order of Court filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 15, 1988**

Amended Motion for Protective Order of Commonwealth of Pennsylvania, Department of General Services filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 26, 1988**

Motion to Compel Answers to Interrogatories and Production of Documents and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 24, 1988**

Revised Notice of Deposition of Thomas C. Celli, AIA, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 21, 1988**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 21st day of December, 1988, upon consideration of the Motion for Protective Order and Amended Motion for Protective Order, filed on behalf of the Commonwealth of Pennsylvania, Department of General Services, on July 13, 1988 and July 15, 1988, respectively, it is hereby **ORDERED** that Motion and Amended Motion are **DENIED** as being

moot. The Motion to Compel Answers to Interrogatories and Production of Documents, filed on behalf of Plaintiff, Dick Corporation, for the use of H. B. Alexander & Son, Inc., will be held in abeyance for sixty (60) days pending further discovery. Within sixty (60) days of the date of this Order, the Plaintiff is directed to file a concise summary of the unanswered and outstanding discovery requests related both to the Interrogatories and Request for Production of Documents, in letter-form. Plaintiff shall include a brief statement as to the relevancy of any outstanding discovery requests."

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**December 22, 1988**

Copy of Opinion and Order dated December 21, 1988 forwarded to attorneys for Plaintiff and attorney for Defendant.

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**December 27, 1988**

Claimant's Supplemental Motion to Compel Production of Documents and To Require a Deposition Witness to Answer Questions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 5, 1989**

Acceptance of Service of Opinion and Order dated December 21, 1988 received from attorney for Plaintiff. (Mr. Peters). Receipt of same acknowledged by attorney for Plaintiff December 27, 1988.

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**January 17, 1989**

Acceptance of Service of Opinion and Order dated December 21, 1988 received from attorney for Plaintiff. (Mr. Ficken). Receipt of same acknowledged by attorney for Plaintiff January 3, 1989.

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**January 19, 1989**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 19th day of January, 1989, it is hereby **ORDERED** that the Commonwealth of Pennsylvania, Department of General Services, shall have thirty (30) days from the date of this Order to respond to the Claimant's Supplemental Motion to Compel Production of Documents and to Require a Deposition Witness to Answer Questions. Both the Claimant, Dick Corporation for the use and benefit of H.B. Alexander & Son, Inc., and the Respondent, Department of General Services, shall have forty-five (45) days from the date of this Order to provide the Board with a concise summary of any and all outstanding discovery requests which remain unanswered. Both parties shall include a brief statement as to the relevancy of any outstanding discovery requests and this information is to be provided in letter-form, as per the

Board's Order of December 21, 1988." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 24, 1989**

Motion for Leave to Join Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company, McClure Company, Novinger's, Inc. and Phillips Brothers Electrical Contractors, Inc. as Additional Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 25, 1989**

Acceptance of Service of Opinion and Order dated January 19, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 27, 1989.

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**February 21, 1989**

Response to Claimant's Supplemental Motion to Compel Production of Documents and to Require a Deposition with respect to Answer Questions and proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 24, 1989**

Brief of H.B. Alexander & Sons, Inc. in Opposition to the Motion of the Department of General Services for Leave to Join Additional Defendants filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 8, 1989**

Interrogatories of H.B. Alexander & Son, Inc. Addressed to the Commonwealth of Pennsylvania, Department of General Services - Set II filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 17, 1989**

Brief in Opposition of Motion for Leave to Join Novinger's, Inc. filed by Mr. Waldron (attorney for Novinger's, Inc.). Copy forwarded to all parties by attorney for Novinger's Inc.

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**March 20, 1989**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 20th day of March, 1989, upon consideration of the Motion for Leave to Join Additional Defendants filed on behalf of the Commonwealth of Pennsylvania, Department of General Services, it is hereby **ORDERED** that the Respondent herein, Commonwealth of

Pennsylvania, Department of General Services, shall have twenty (20) days from the date of this Order in which to file a Brief in Support of the Motion. If the Brief on behalf of the Respondent is not filed within twenty (20) days of the date of this Order, the Board will issue an Opinion and Order without the benefit of the supporting brief." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 27, 1989**

Acceptance of Service of Opinion and Order dated March 20, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 22, 1989.

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**April 4, 1989**

Commonwealth of Pennsylvania, Department of General Services' Brief in Reply to Brief on H.B. Alexander & Son, Inc. Opposing Joinder of Additional Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 5, 1989**

Acceptance of Service of Opinion and Order dated March 20, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 31, 1989.

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**April 7, 1989**

Answers and Objections of Department to Interrogatories of H. B. Alexander & Son, Inc. Addressed to the Commonwealth of Pennsylvania, Department of General Services - Set II filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 10, 1989**

Reply of H.B. Alexander & Son, Inc. to the Department's Response to Supplemental Motion to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 27, 1989**

Reply Brief of H.B. Alexander & Son, Inc. in Opposition to the Motion of the Department of General Services for Leave to Join Additional Defendants filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**May 8, 1989**

Commonwealth of Pennsylvania, Department of General Services' Motion to Disqualify the Law Firm of Pepper, Hamilton & Scheetz from Representing H.B. Alexander & Sons, Inc. and McClure Company filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**May 9, 1989**

Commonwealth of Pennsylvania, Department of General Services' Motion to Consolidate Actions and Proposed Order filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**June 7, 1989**

**CLOSED**

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**June 8, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of June, 1989, the request of the Additional Defendant, Dick Corporation, is hereby **DENIED**. The Additional Defendant, Dick Corporation, is granted thirty (30) days of the date of this Order to file responsive pleadings." Copy forwarded to attorneys for all parties.

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**June 8, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of June, 1989, the Preliminary Objections as filed by the Additional Defendant, H.B. Alexander & Sons, Inc., are **DENIED**.

The Additional Defendant, H.B. Alexander & Sons, Inc., is given thirty (30) days from the date of this Order to file appropriate responsive pleadings." Copy forwarded to attorneys for all parties.

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**June 8, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of June, 1989, the Preliminary Objections as filed by the Additional Defendant, Novinger's, Inc., are hereby **DENIED**.

The Additional Defendant, Novinger's Inc. is given thirty (30) days from the date of this Order to file responsive pleadings." Copy forwarded to attorneys for all parties.

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**June 8, 1989**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 8th day of June, 1989, the Preliminary Objections as filed by the Additional Defendant, Phillips Brothers' Electrical Contractors, Inc., are **DENIED.** The Additional Defendant, Phillips Brothers Electrical Contractors, Inc., is given thirty (30) days to file responsive pleadings in accordance with this Order." Copy forwarded to all parties.

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**June 13, 1989**

Acceptance of Service of four (4) Opinions and Order dated June 8, 1989 received from Theodore A. Adler, Esquire. Receipt of same acknowledged by Theodore A. Adler June 9, 1989.

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**June 14, 1989**

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant (Phillips Brothers) June 12, 1989.

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**June 14, 1989**

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Additional Defendant (McClure Company). Receipt of same acknowledged by attorney for Additional Defendant (McClure Company) June 12, 1989.

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**June 15, 1989**

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 13, 1989.

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**June 16, 1989**

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.) June 15, 1989.

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**June 19, 1989**

Response of H.B. Alexander & Sons, Inc. to the Motion of Department of General Services to Consolidate Actions filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

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**June 23, 1989**



Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 21, 1989.

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**June 27, 1989**

Join Brief of H.B. Alexander & Sons, Inc. and McClure Company in Opposition to the Motion of Commonwealth of Pennsylvania, Department of General Services to Disqualify Pepper, Hamilton & Scheetz filed by attorney for Plaintiff and attorneys for Additional Defendant (H.B. Alexander & Son, Inc.). Copy forwarded to attorneys for all parties.

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**June 30, 1989**

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Additional Defendant (Galli-Flann & Associates/H.F. Len Company, Galli-Flann & Associates/H.F. Len Company). Receipt of same acknowledged by attorney for Additional Defendant June 13, 1989.

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**CLOSED**

Response of Dick Corporation to the Department of General Services' Motion to Consolidate filed by attorney for Plaintiff. Copy forwarded to all parties by attorney for Plaintiff.

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**\*July 13, 1989**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 13th day of July, 1989, the Motion for Consolidation, as filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, and as of this date the three matters to Docket Nos. 1235, 1303 and 1309 will advance forward as a consolidated case.

All pleadings, depositions, and other discovery will contain the three numbered documents and all discovery will be considered interchangeable between each case, and at the time of trial all three cases will be tried simultaneously." Copy forwarded to attorneys for all parties.

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**July 13, 1989**

Answer and New Matter of H.B. Alexander & Sons, Inc. to Third-Party Complaint of Commonwealth of Pennsylvania, Department of General Services' filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

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**July 18, 1989**

Commonwealth of Pennsylvania, Department of General Services' Brief

in Reply to the Joint Brief of H.B. Alexander & Sons, Inc. and McClure Company in Opposition to Motion to Disqualification of Pepper, Hamilton and Scheetz filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**July 18, 1989**

Acceptance of Service of Opinion and Order dated July 13, 1989 received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant July 17, 1989.

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**July 18, 1989**

Acceptance of Service of Opinion and Order dated July 13, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant July 17, 1989.

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**July 18, 1989**

Acceptance of Service of Opinion and Order dated July 13, 1989 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant July 17, 1989.

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**July 28, 1989**

Acceptance of Service of Opinion and Order dated July 18, 1989 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Len Company, Celli-Flynn & Associates, H.F. Len Company). Receipt of same acknowledged by attorney for Additional Defendant July 21, 1989.

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**July 31, 1989**

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of Additional Defendant Dick Corporation in Docket No. 1309 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**July 31, 1989**

Commonwealth of Pennsylvania, Department of General Services' Reply to New matter of Novinger's, Inc. in Docket No. 1309 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**August 7, 1989**

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of H.B. Alexander & Sons, Inc. in Docket No. 1303 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**August 7, 1989**

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of H.B. Alexander & Sons, Inc. in Docket No. 1309 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**August 8, 1989**

Praecipe for Withdrawal of Kenneth I. Kevin, Esquire, Carolyn Warner Giff, Esquire and Michael A. Cermelli, and Appearance of James J. Thomas, Esquire, on behalf of McClure Company filed by attorney for Plaintiff. Copy forwarded to all parties.

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Commonwealth of Pennsylvania, Department of General Services' Response to H.B. Alexander & Sons, Inc.'s June 6, 1989 Motion to Compel Answers to Interrogatories in Docket No. 1235 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**August 22, 1989**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 22nd day of August, 1989, the law firm of Pepper, Hamilton & Scheetz, on August 8, 1989 filed a Praecipe to Withdraw as counsel for Plaintiff and Additional Defendant, McClure Company, Inc. On the same date, and as part of the above stated Praecipe, the law firm of Thomas & Thomas entered their appearance on behalf of Plaintiff and Additional Defendant, McClure Company, Inc. In light of the Entry of Appearance of Thomas & Thomas, the Motion to Disqualify the law firm of Pepper, Hamilton and Scheetz from representing H.B. Alexander & Sons, Inc. and McClure Company, Inc., as filed by the Commonwealth of Pennsylvania, Department of General Services, to have the law firm of Pepper, Hamilton & Scheetz removed as attorney for H.B. Alexander & Sons, Inc. and McClure Company, Inc. because of a possible conflict of interest, it hereby declared **MOOT**. The determination in this Opinion is that said Motion to Disqualify filed by the Commonwealth of Pennsylvania, Department of General Services, is hereby **DENIED**. The record shall show hereinafter that the law firm of Thomas & Thomas shall represent McClure Company, Inc. as

Plaintiff and Additional Defendant." Copy forwarded to attorneys for all parties.

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**August 22, 1989**

Praecipe for Writ to Join Celli-Flynn & Associates/H.F. Len Company, a Joint Venture, Celli-Flynn & Associates, a Corporation and H.F. Len Company, a Corporation filed by attorney for Defendant.

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**August 22, 1989**

Complaint to Join Novinger's, Inc. as an Additional Defendant in Docket No. 1235 filed by attorney for Defendant.

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**August 22, 1989**

Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 filed by attorney for Defendant.

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**August 23, 1989**

Novinger's, Inc. Motion for Summary Judgment in Docket No. 1309 and Brief in Support of Novinger's, Inc. Motion for Summary Judgment filed by attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to attorneys for all parties by attorney for Additional Defendant.

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**August 23, 1989**

Dick Corporation's Motion for Partial Summary Judgment in Docket No. 1309 and Brief in Support of Dick Corporation's Motion for Partial Summary Judgment filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for all parties by attorney for Additional Defendant.

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**August 25, 1989**

Copy of Complaint to Join Novinger's Inc., as an Additional Defendant in Docket No. 1235 and copies of Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 forwarded to attorney for Plaintiff, attorneys for Additional Defendants and Chief Deputy Attorney General.

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**August 25, 1989**

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 23, 1989.

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**August 25, 1989**

Acceptance of Service of Opinion and Order dated August 22, 1989 received from Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant August 24, 1989.

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**August 25, 1989**

Writ to Join Additional Defendant Celli-Flynn & Associates/H.F. Len Company, a joint venture, Celli-Flynn & Associates, a corporation and H.F. Len Company, a corporation executed by Judge Pace.

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**August 28, 1989**

Commonwealth of Pennsylvania, Department of General Services' Response to Black Corporation Request to the Board Issue a Subpoena Duces Tecum to O'Brien Kreitzberg & Associates, Inc. and a Subpoena to Thomas E. Coleman filed by attorney for defendant. Copy forwarded to all counsel of record for attorney for defendant.

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**August 28, 1989**

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Intervening Plaintiff (McKamish). Receipt of same acknowledged by attorney for Intervening Plaintiff August 24, 1989.

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**August 29, 1989**

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 received from attorney for Intervening Plaintiff (McKamish). Receipt of same acknowledged by attorney for Intervening Plaintiff August 28, 1989.

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**August 30, 1989**

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 received from attorney for Additional Defendant (Dick). Receipt of same acknowledged by attorney for Additional Defendant August 28, 1989.

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**August 30, 1989**

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 24, 1989.

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**August 31, 1989**

Copy of Writ to Join Additional Defendant Celli-Flynn & Associates/H.F. Len Company, a joint venture, Celli-Flynn & Associates, a corporation and Len Company, a corporation, executed August 25, 1989 forwarded to all counsel of record.

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**September 1, 1989**

Acceptance of Service of Complaint to Join Novinger's, Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 28, 1989.

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**September 5, 1989**

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 1, 1989.

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**September 5, 1989**

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Defendant (Phillips). Receipt of same acknowledged by attorney for Defendant September 1, 1989.

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**September 5, 1989**

Letter entering appearance of Robert W. Doty and Andrew M. Roman as counsel for Department of General Services and withdrawing appearance of George M. Medved for Department of General Services filed by Gretchen L. Roos. Copy forwarded to all counsel of record by Gretchen L. Roos.

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**September 6, 1989**

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989, received from attorney for Intervening Plaintiff (McKamish-Chesapeake, Inc.). Receipt of same acknowledged by attorney for Intervening Plaintiff September 5, 1989.

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**September 6, 1989**

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235, received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant August 29, 1989.

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**September 7, 1989**

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 1, 1989.

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**September 8, 1989**

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 5, 1989.

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**September 8, 1989**

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 5, 1989.

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**September 8, 1989**

Acceptance of Service of Opinion and Order dated August 25, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 5, 1989.

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**September 8, 1989**

Motion to Discontinue the Commonwealth of Pennsylvania, Department of General Service's Complaints to Join as to Additional Defendant Phillips Brothers Electrical Contractors, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**September 12, 1989**

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant (Celli-Flynn & Associates, H.F. Len Company). Receipt of same acknowledged by attorney for Additional Defendant August 29, 1989.

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**September 14, 1989**

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Plaintiff (Dick Corporation). Receipt of same acknowledged by attorney for Plaintiff September 4, 1989.

**September 20, 1989**

Dick's Brief in Opposition to the Department's Request to Defer Issuance of Dick's Requested Subpoenas, and in Support of Dick's Request for Subpoenas and Alexander's Pending Motion to Compel Production of the Department's Documents filed by attorney for Plaintiff (Dick Corporation). Copy forwarded to all parties by attorney for Plaintiff.

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**September 22, 1989**

Answer and New Matter of Novinger's Inc. to Commonwealth of Pennsylvania, Department of General Services' Complaint to Join Novinger's Inc. in Docket No. 1235 filed by attorney for Additional Defendant (Novingers). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**September 25, 1989**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of September, 1989, upon consideration of the various discovery motions filed by Dick Corporation, for the use of H.B. Alexander and Sons, Inc. (Claimant) and directed to the Commonwealth of Pennsylvania, Department of General Services (DGS), at Docket No. 1235, prior to consolidation of Docket Nos. 1235, 1303 and 1309, and upon review of correspondence from Claimant's counsel dated March 6, 1989, it is hereby **ORDERED** as follows: 1. The diary entries of Charles H. Gobin, Jr. either redacted or withheld by DGS from Claimant shall be provided to claimant. 2. Requested written and oral communications between department representatives and Mr. Gobin shall be provided by DGS to Claimant. 3. Any documents as defined by Pa. R.C.P. No. 4009, withheld by DGS shall be summarized in the form of a list, and each document so withheld will set forth (a) the date of the document, (b) the author of the document, (c) the recipient of document, and (d) the basis upon which or reason the document was withheld. 4. Full and complete responses to the second set of Interrogatories submitted by Claimant to DGS shall be filed. Any further information withheld shall set forth the specific reason as to why the information was withheld. 5. DGS shall not be required to file further Response to Claimant's First Set of Interrogatories, which Claimant has agreed to hold in abeyance pending the responses to the Second Set of Interrogatories, filed on March 8, 1989. The Board will entertain appropriate motions for sanctions pursuant to Pennsylvania Rule of Civil Procedure No. 4019, if it appears there has not been (continued) compliance with this Order. A copy of this Order shall be served upon all litigants in the consolidated



**September 25, 1989 (contd.)**

action at Docket Nos. 1235, 1303 and 1309, and shall serve as notice to all parties that the discovery process shall proceed in a reasonable and orderly fashion pursuant to the Pennsylvania Rules of Civil Procedure. Unreasonable denials for information or documents, as well as unreasonable requests for information or documents, shall be met and dispensed with by the imposition of sanctions, including, in appropriate circumstances, awards of attorney's fees and costs." Copy forwarded to all parties of record.

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**September 25, 1989**

Acceptance of Service of Writ to Join Additional Defendant dated August 23, 1989 received from attorney for Additional Defendant (Galli-Flynn Associates/H.F. Lee Company). Receipt of same acknowledged by Additional Defendant September 21, 1989.

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**September 27, 1989**

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 26, 1989.

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**September 29, 1989**

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Intervening Plaintiff (McKamish-Chesapeake, Inc.). Receipt of same acknowledged by attorney for Intervening Plaintiff September 27, 1989.

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**September 29, 1989**

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Plaintiff Dick Corporation. Receipt of same acknowledged by attorney for Plaintiff September 27, 1989.

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**October 2, 1989**

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of McClure Company, Inc. in Docket No. 1303 filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 3, 1989**

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Plaintiff (Dick Corporation). Receipt of same acknowledged by attorney for Plaintiff September 27, 1989.

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**October 11, 1989**

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of Novinger's, Inc. in Docket No. 1235 filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 13, 1989**

Acceptance of Service of Opinion and Order dated October 13, 1989 received from attorney for Additional Defendant (Celanese-Flynn & Associates/H.B. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant October 16, 1989.

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**CLOSED**

**October 27, 1989**

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to the Motion for Summary Judgment of Additional Defendant Novinger's, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 27, 1989**

Commonwealth of Pennsylvania, Department of General Services' Further Response to Request Number 21, of H.B. Alexander & Sons, Inc.'s Request for Production of Documents filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 27, 1989**

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to the Motion for Partial Summary Judgment of Additional Defendant Dick Corporation filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 30, 1989**

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to H.B. Alexander & Sons, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 30, 1989**

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to Dick Corporation filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 30, 1989**

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to Novinger's Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**October 30, 1989**

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to McClure Company filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**November 2, 1989**

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to McKamish-Chesapeake filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**November 8, 1989**

Letter/Entry of Appearance of Christopher R. Opalinski, Esquire, (attorney for Defendant) filed by Gretchen L. Roos, Esquire. Copy forwarded to all parties by Gretchen L. Roos, Esquire.

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**November 13, 1989**

Commonwealth of Pennsylvania, Department of General Services' Answers to H.B. Alexander & Sons, Inc.'s Second Set of Interrogatories filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**November 29, 1989**

Dick Corporation's Reply Brief to Commonwealth of Pennsylvania Department of General Services' Brief in Opposition to Motion for Summary Judgment of Additional Defendant Dick Corporation filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff.

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**November 30, 1989**

Novinger's Inc. Reply Brief to Commonwealth of Pennsylvania Department of General Services' Brief in Opposition to Motion for Summary Judgment of Additional Defendant Novinger's, Inc. filed by attorney for Additional Defendant. Copy forwarded to all parties by attorney for Additional Defendant.

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**December 4, 1989**

Response of H.B. Alexander & Sons's, Inc. to First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to H.B. Alexander & Sons, Inc. filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all parties of record by attorney for Additional Defendant.

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**December 4, 1989**

Motion of H.B. Alexander & Sons, Inc. for Sanctions and To Compel Compliance With This Board's Order of September 25, 1989 filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**December 20, 1989**

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of McClure Company, Inc. in Docket No. 1235 filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**December 27, 1989**

Novinger's Inc. Motion for Summary Judgment in Docket No. 1235 and Brief in Support of Novinger's, Inc. Motion for Summary Judgment filed by attorney for Plaintiff (for Dick Corporation). Copy forwarded to all counsel of record by attorney for Plaintiff.

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**January 5, 1990**

Response of Commonwealth of Pennsylvania, Department of General Services to H.B. Alexander & Sons, Inc.'s Motion for Sanctions and to Compel Compliance with the Board of Claims' Order of September 25, 1989 filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

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**January 29, 1990**

Motion for in Camera Review of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant (Novinger's, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

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**January 29, 1990**

Brief in Support of Motion for In Camera Review of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania Department of General Services filed by attorney for Additional Defendant (Novinger's, Inc.). Copy forwarded to all parties of record by attorney for Additional Defendant.

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March 2, 1990

**CLOSED**

List of Documents that Dick Corporation has withheld from document production as privileged matter filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for all parties of record by attorney for Additional Defendant (Dick Corporation).

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**March 12, 1990**

Response of Commonwealth of Pennsylvania, Department of General Services to Dick Corporation's Motion for In Camera of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania, Department of General Services filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**April 13, 1990**

Reply of Dick Corporation to the Response of Commonwealth of Pennsylvania, Department of General Services, to Dick Corporation's Motion for In Camera Review of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania, Department of General Services file by attorneys for Additional Defendant (Dick Corporation) and attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to attorneys for all parties by attorneys for Additional Defendant (Dick Corporation) and attorney for Additional Defendant (Novinger's, Inc.).

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April 30, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 30th day of April, 1990, the Defendant, Department of General Services, is given 20 days from the date of this Order to file its Complaint against the Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, a corporation and H.F. Lenz Company, a corporation. If said Complaint is not filed within said period of time, the Court sua sponte will revoke the original Writ to Join and the Defendant will be barred from bringing any action against the Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company, a joint venture, Celli-Flynn & Associates, a corporation and H.F. Lenz Company, a corporation." Copy forwarded to all parties of record.

May 1, 1990

The Board made the following Order: "On January 17, 1990 the Board received a letter over the signature of Andrew M. Roman, counsel for the Defendant, Department of General Services and the Phillips Brothers Electrical Contractors, Inc. had agreed upon a settlement of all claims between the two parties arising out of the capitol addition project. On September 8, 1989, again over the signature of Andrew M. Roman, counsel for the Defendant, the Department of General Services, the Board was alerted to a Motion to Discontinue the Commonwealth of Pennsylvania, Department of General Services' Complaints to Join as to Additional Defendant, Phillips Brothers Electrical Contractors, Inc. Accompanying that request was a Proposed Order for the Board's signature basically granting the request as set forth in the Motion. It is the duty of the Board to hold hearings pertaining to settlements, thereby placing on record the settlements entered into between Commonwealth and named Plaintiffs, as they are reflected in various suits that are filed before the Board, wherein settlements are arrived at through the negotiations of both parties. The Board has received correspondence from counsel for Defendant, Department of General Services, requesting that the Board waive this requirement, as it may pertain to this settlement, due to the complexity of allied litigation. The Board is sympathetic towards the Defendant's request and can appreciate the strength of the arguments set forth by the Defendant, Department of General Services. However, the ultimate payer in all these matters is the taxpayers of the Commonwealth of Pennsylvania and settlement should be made part of the record, that can be reviewed if such requests are made. It is the Board's opinion that it cannot sacrifice the interest of the taxpayers in this matter. Accordingly, the Board will schedule, within the immediate future, a hearing wherein the settlement as it

**May 2, 1990 (contd.)**

is reflected in the above stated matter will be made part of the record. The Board further **ORDERS** that the hearing will be a private hearing. It will not be open to anyone, except counsel for the named parties and necessary witnesses. The Board further **ORDERS** that the record of the settlement will be impounded and will not be made public until this entire matter has been satisfied and notice of such satisfaction has been properly entered upon the record. Thereafter, the Department of General Services or Phillips Brothers Electrical Contractors, Inc. may, by Praecipe, request the Withdrawal of such impoundment of the settlement record or the Board of Claims may, sua sponte, make the settlement record public. Dated: May 2, 1990."

Copy forwarded to all parties of record.

**May 7, 1990**

Acceptance of Service of Opinion and Order dated April 30, 1990 received from Intervening Plaintiff (Mormis Chesapeake, Inc.). Receipt of same acknowledged by Intervening Plaintiff May 3, 1990.

**May 7, 1990**

Acceptance of Service of Opinion and Order dated April 2, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 3, 1990.

**May 7, 1990**

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant May 4, 1990.

**May 9, 1990**

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 8, 1990.

**May 9, 1990**

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 7, 1990.

**May 10, 1990**

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant May 7, 1990.

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**May 10, 1990**

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Plaintiff (McClure Company). Receipt of same acknowledged by attorney for Plaintiff May 7, 1990.

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**May 11, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 11th day of May, 1990, the request of Novinger's Inc. in the nature of a Motion for Summary Judgment is hereby DENIED."** Copy forwarded to all parties of record.

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**May 11, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 11th day of May, 1990, the request of the Plaintiff, Dick Corporation, in the nature of a Motion for Partial Summary Judgment is hereby DENIED."** Copy forwarded to all parties of record.

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**May 15, 1990**

Motion for Modification of Board's April 30, 1990 Order Regarding of Complaints Against Additional Defendant and Proposed Order filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**May 15, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake, Inc.). Receipt of same acknowledged by Intervening Plaintiff May 14, 1990.

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**May 15, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 14, 1990.

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**May 16, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 15, 1990.

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**May 16, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Defendant May 15, 1990.

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**May 17, 1990**

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 16, 1990.

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**May 18, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 18th day of May, 1990, the request of Novinger's, Inc. in the nature of a Motion for Summary Judgment is hereby **DENIED."** Copy forwarded all parties of record.

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**May 18, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 16, 1990.

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**May 18, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 18th day of May, 1990, the request of the Defendant, Commonwealth of Pennsylvania, Department of General Services, to file its Complaint against the Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company is extended to June 21, 1990. If a Complaint is not filed on that date, the Board, sua sponte, will **DISMISS** its former Order allowing the naming of this Defendant as an Additional Defendant." Copy forwarded to all parties of record.

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**May 21, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant May 18, 1990.

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**May 21, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (McClure Company). Receipt of same acknowledged by attorney for Additional Defendant May 14, 1990.

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**May 21, 1990**

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 14, 1990.

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**May 21, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

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**May 22, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake). Receipt of same acknowledged by attorney for Intervening Plaintiff May 21, 1990.

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**May 23, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake). Receipt of same acknowledged by Intervening Plaintiff May 21, 1990.

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**May 23, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 21, 1990.

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**May 23, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 21, 1990.

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**May 23, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

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**May 23, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

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**May 23, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

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**June 4, 1990**

Motion to Clarify the May 11, 1990 Order on Motion for Partial Summary Judgment as filed in Dick Corporation (1309) filed by attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

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**June 11, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Celli-Flynn and Associates). Receipt of same acknowledged by attorney for Additional Defendant June 7, 1990.

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**June 21, 1990**

Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company filed by attorney for Defendant.

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**July 2, 1990**

Copy of Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company forwarded to attorneys for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company) and Chief Deputy Attorney General.

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**July 2, 1990**

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 28, 1990.

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**July 9, 1990**

Acceptance of Service of Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 9, 1990.

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**July 12, 1990**

Interrogatories of Dick Corporation Addressed to the Commonwealth of Pennsylvania, Department of General Services - Set I filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties by attorney for Additional Defendant.

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**July 13, 1990**

Acceptance of Service of Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant July 9, 1990.

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**July 25, 1990**

Petition for Extension of Time and Proposed Order filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to attorney for all parties of record by attorney for Additional Defendant.

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**August 7, 1990**

The Board made the following Order: **"AND NOW**, this 7th day of August, 1990, upon review of the Petition for Extension of Time, to file a responsive pleading, filed on behalf of Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company, has forty-five (45) days from the date of this Order to file its responsive pleading to the Commonwealth of Pennsylvania, Department of General Services' Complaint to Join." Copy forwarded to attorneys for all parties.

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**August 14, 1990**

Acceptance of Service of Order dated August 7, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant August 14, 1990.

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**August 16, 1990**

Acceptance of Service of Order dated August 7, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant August 14, 1990.

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**August 16, 1990**

Acceptance of Service of Order dated August 7, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake). Receipt of same acknowledged by attorney for Intervening Plaintiff August 14, 1990.

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**August 17, 1990**

Acceptance of Service of Order dated August 7, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 1990.

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**August 20, 1990**

Acceptance of Service of Order dated August 7, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant August 13, 1990.

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**August 20, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of August, 1990, the request of Dick Corporation, in the Nature of a Motion to Clarify the Opinion of May 11, 1990, is **DENIED**." Copy forwarded to attorneys for all parties.

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**August 21, 1990**

Acceptance of Service of Order dated August 7, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 16, 1990.

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**August 23, 1990**

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Additional Defendant (H.B. Alexander). Receipt of same acknowledged by attorney for Additional Defendant August 21, 1990.

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**August 23, 1990**

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant August 21, 1990.

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**August 24, 1990**

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant August 22, 1990.

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**August 24, 1990**

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff August 21, 1990.

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**August 27, 1990**

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 22, 1990.

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**August 27, 1990**

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 22, 1990.

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**September 12, 1990**

Preliminary Objections of Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company and Brief of Additional Defendant, Celli-Flynn Associates/H.F. Lenz Company in Support of its Preliminary Objections filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**CLOSED**  
October 5, 1990  
Consent Motion for Extension of Time to File Brief in Response to Celli-Flynn & Associates' Preliminary Objections to the Complaints to Join filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

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**October 15, 1990**

Hearing scheduled for April 2 through 5, 1991; April 9 through 12, 1991; April 16 through 19, 1991; April 23 through 26, 1991, 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 19, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 19th day of October, 1990, upon review of the docket entries in this matter, the request made in the formal consent Motion is GRANTED.** The Board directs the Department of General Services to file its Brief in response to Celli-Flynn & Associates' Preliminary Objections to the Complaints to Join on or before November 14, 1990.

Be advised that this case and all of the matters which have been consolidated is scheduled for trial. Nothing shall be permitted to impede the hearing on this matter on the merits." Copy forwarded to all parties of record.

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**October 24, 1990**

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant October 22, 1991.

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**October 24, 1990**

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 22, 1991.

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**October 24, 1990**

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant October 22, 1991.

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**October 25, 1990**

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant October 22, 1991.

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**October 26, 1990**

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 22, 1991.

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**October 31, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 31st day of October, 1990, the request of the Additional Defendant, wherein the Complaint would be dismissed because of lack of jurisdiction is hereby **DENIED**. Paragraphs 16, 17 and 19 of the Complaint against Additional Defendant is hereby **STRICKEN**. Paragraph 18 of the Complaint against the Additional Defendant is modified in accordance with this Order by striking from the Complaint the words, 'and negligence'. The request of the Additional Defendant in the nature of a more specific Complaint is **DENIED**. The Additional Defendant is directed to file responsive pleadings in accordance with this Order within thirty (30) days of the date thereof." Copy forwarded to all parties of record.

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**November 1, 1990**

Notice of Deposition of Dick Corporation filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**November 5, 1990**

Notice of Deposition of H.B. Alexander & Sons, Inc. filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**November 5, 1990**

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Additional Defendant (Phillips Brothers).

Receipt of same acknowledged by attorney for Additional Defendant November 1, 1990.

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**November 5, 1990**

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff November 1, 1990.

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**November 5, 1990**

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 2, 1990.

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**November 5, 1990**

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 2, 1990.

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**November 5, 1990**

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Additional Defendant (Dick Corporation).

Receipt of same acknowledged by attorney for Additional Defendant November 2, 1990.

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**\*November 13, 1990**

Praecipe for Appearance filed by David A. Neely, Esquire, attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**November 15, 1990**

Motion for Extension of Time to Join an Additional Defendant and Proposed Order of Court filed by attorney for Additional Defendant (Kenneth Parker & Associates, Inc.). Copy forwarded to all counsel of record by attorney for Additional Defendant. (As filed in Docket No. 1309).

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**December 3, 1990**

Answer and New Matter filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**December 7, 1990**

Commonwealth of Pennsylvania, Department of General Services' Motion to Compel Production of Documents by Dick Corporation and Mavinger, Inc. and Proposed Order filed by attorneys for Defendant. Copy forwarded to all counsel of record by attorneys for Defendant.

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**CLOSED**

Commonwealth of Pennsylvania, Department of General Services' Motion, in Docket No. 1303, for Leave to Assert a Counterclaim Against Dick Corporation and to Amend its Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company as an Additional Claim filed by attorneys for Defendant. Copy forwarded to all counsel of record by attorneys for Defendant.

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**December 10, 1990**

Notice of Depositions of Dean Badorf, William E. McClure, George Voyakovich, Donald Badorf, Lee Mentzer, William H. Alexander, Edward Lynch, Sr., John D. McFarland, Eugene Barber, George Kisak, Robert Duvuvei, Donald Tabasco, Robert Hockmouth, Jeff Russell, Gene Krout, William Barrett, Robert Allison, Kenneth Mathews, Jon Mitorich, Thomas Celli, Sidney J. Myers, Eldon Davidheizer, Roy Kelly, Mary T. Jewel, Cheryl Rhome filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorneys for Additional Defendants.

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**December 17, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of December, 1990, the Board confirms its oral Stay Order issued on December 12, 1990, and **DIRECTS** that the Stay be in full force and effect until January 11, 1991. During the interim, counselors for the parties are advised that the senior counsel of the Board and the members and staff of the Board of Claims shall be in contact with counselors representing parties to ascertain dates convenient for the taking of the depositions, and to ascertain who shall participate at that time. Also, the Department of General Services shall be requested to review the large list of those individuals to be deposed to ascertain if it is necessary that they be deposed, or if same is a fishing expedition. The Board will inquire as to the seriousness and need to depose all of these persons. This matter will have to be resolved to the satisfaction of all parties."

Motion to Dismiss and Brief in Support of Motion to Dismiss filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**December 19, 1990**

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant December 17, 1990.

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**December 19, 1990**

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff December 17, 1990.

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**December 24, 1990**

Reply of Department of General Services to New Matter of Celli-Flynn & Associates/H.F. Lenz Company filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

**December 27, 1990**

Objection of Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H. F. Lenz Company to the Commonwealth of Pennsylvania, Department of General Services' Motion for Leave to Amend its Complaint to Join to Assert an Additional Claim filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**December 27, 1990**

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 27, 1990.

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**December 28, 1990**

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 28, 1990.

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**January 7, 1991**

Reply of H.B. Alexander & Sons, Inc. to New Matter of Celli-Flynn & Associates/H.F. Lenz Company filed Pursuant to Pa. R.C.P. 2252 (d) filed by attorney for Additional Defendant (H.B. Alexander & Sons). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**January 10, 1991**

Respondent's Brief in Opposition to Additional Defendant's Motion to Dismiss filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 17, 1991**

Reply of Dick Corporation to Commonwealth of Pennsylvania, Department of General Services' Motion to Compel Production of Documents by Dick Corporation and Novinger's, Inc. filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

**January 22, 1991**

Proposed Order of Court requesting Board's Order of October 31, 1990 amended filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**January 22, 1991**

Objection of Dick Corporation to Commonwealth of Pennsylvania, Department of General Services' Motion for Leave to Amend its Complaint to Assert an Additional Claim filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**CLOSED**  
January 28, 1991  
The Board rendered an opinion and made the following Order: "And NOW, this 28th day of January, 1991, the request of the Department of General Services to amend its Complaint against the Additional Defendant, Celli-Flynn & Associates, H.F. Lenz Company, is **DENIED**." Copy forwarded to all counsel of record.

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**January 28, 1991**

Acceptance of Service of Opinion and Order dated December 14, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant December 18, 1991.

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**January 30, 1991**

Dick Corporation's Motion for a Protective Order to Prohibit the Commonwealth of Pennsylvania, Department of General Services from Deposing Kevin Mathews and Jon Mitovich filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties of record by attorney for Additional Defendant.

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**February 4, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 29, 1991.

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**February 4, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant January 28, 1991.

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**February 5, 1991**

The Board rendered an Opinion and made the folling Order: **"AND NOW,** this 5th day of February, 1991, Dick Corporation's Motion for Protective Order to Prohibit the Commonwealth of Pennsylvania, Department of General Services from Deposing Keving Mathews and Jon Mitovich outside the State of Pennsylvania with ample notice is **GRANTED.** Said Protective Order shall be strictly enforced and sanctions shall be issued if violated." Copy forwarded to attorneys for all parties.

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**February 6, 1991**

Letter/Withdrawal of the Motion for Leave to Assert the Counterclaim against Dick Corporation filed by attorney for Defendant (via fax). Copy forwarded to all parties of record by attorney for Defendant.

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**February 7, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (KPD Design Group). Receipt of same acknowledged by attorney for Additional Defendant January 31, 1991.

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**February 7, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Celli-Flynn Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant January 30, 1991.

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**February 7, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 30, 1991.

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**February 7, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff January 30, 1991.

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**February 7, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff February 6, 1991.

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**February 11, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Dick Corporation).

Receipt of same acknowledged by attorney for Additional Defendant January 30, 1991.

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**February 11, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant February 5, 1991.

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**February 13, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant February 7, 1991.

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**February 13, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (Phillips Brothers).

Receipt of same acknowledged by attorney for Additional Defendant February 6, 1991.

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**February 13, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Proposed Additional Defendant (KPA Design Group). Receipt of same acknowledged by attorney for Proposed Additional Defendant February 8, 1991.

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**February 13, 1991**

Notice of Service of Interrogatories Directed to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Copy forwarded to all parties of record by attorney for Additional Defendant.

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**February 15, 1991**

Dick Corporation's Motion to Dismiss the Commonwealth of Pennsylvania, Department of General Services' Third Party Complaint to Join Dick Corporation as an Additional Defendant at Docket No. 1309 as well as Brief in Support of Dick Corporation's Motion to Dismiss filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties by attorney for Additional Defendant.

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**February 15, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant undated.

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**February 19, 1991**

Letter/Withdrawal of the Motion for Leave to Assert the Counterclaim against Dick Corporation filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**February 19, 1991**

Acceptance of Service of Opinion and Order dated January 28, 1991 recieved from attorney for Additional Defendnat (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant January 29, 1991.

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**February 19, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 7, 1991.

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**February 19, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 19th day of February, 1991, the Motion of Celli-Flynn & Associates/H.F. Lenz Company, requesting an extension of time will be held as **MOOT** and the Answer, thereto, as filed by KPA Design Group, will also be held as **MOOT.**" Copy forwarded to all parites.

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**February 20, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant February 9, 1991.

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**February 20, 1991**

Objections of Department of General Services to Interrogatories filed by Celli-Flynn & Associates/H.F. Lenz Company, filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

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**February 22, 1991**

CFA/HFL's Joinder in Dick Corporation's Motion to Compel the Commonwealth of Pennsylvania Department of General Services' to Answer Dick Corporation's Interrogatories - Set I filed by attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Copy forwarded to all parties by attorney for Additional Defendant.

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**February 22, 1991**

CFA/HFL's Joinder in Dick Corporation's Motion for in Camera Review of all Documents withheld as Privileged by the Commonwealth of Pennsylvania Department of General Services and Brief in Support thereof filed by attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**February 25, 1991**

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 14, 1991.

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**February 25, 1991**

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Defendant February 21, 1991.

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**February 25, 1991**

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Additional Defendant (KPA Design Group in Docket No. 1301). Receipt of same acknowledged by attorney for Additional Defendant February 21, 1991.

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**February 25, 1991**

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 22, 1991.

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**February 25, 1991**

Department of General Services' Interrogatories Directed to Celli-Flynn & Associate, H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company (CFA/HFL) Re Expert Witnesses as well as Department of General Services' Interrogatories Directed to Dick Corporation Re Expert Witnesses filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

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**February 27, 1991**

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant February 22, 1991.

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**February 28, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW,** this 28th day of February, 1991, the request of the Defendant for leave to withdraw its request to file a Counterclaim against Dick Corporation is hereby **GRANTED.**" Copy forwarded to attorneys for all parties.

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**February 28, 1991**

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 25, 1991.

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**March 1, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 1st day of March, 1991, it is **ORDERED** and **DECREED** that an Exploratory Hearing be held at 10:00 a.m., March 5, 1991, in Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania. It is further **ORDERED** and **DECREED** that the terms and conditions of said settlement(s) shall be impounded until deposition of the entire case." Copy forwarded to all counsel of record.

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**March 1, 1991**

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Additional Defendant (Dick Corporation).  
Receipt of same acknowledged by attorney for Additional Defendant February 21, 1991.

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**March 1, 1991**

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Intervening Plaintiff in Docket No. 1309.  
Receipt of same acknowledged by attorney for Intervening Plaintiff February 22, 1991.

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**March 4, 1991**

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 1, 1991.

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**March 5, 1991**

Exploratory Memorialization held in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:10 a.m.

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**March 5, 1991**

Entry of Appearance filed by John H. Tracy, Esquire and John F. Myers, Esquire attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 5, 1991**

Pursuant to scheduled Exploratory Hearing held before the Board of Claims on March 5, 1991 submitted by Defendant was a Proposed Order establishing Settlement Agreements on behalf of Phillips Brothers Electrical Contractors, Inc., McClure Company and H.B. Alexander & Sons, Inc.

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**March 6, 1991**

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 4, 1991.

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**March 6, 1991**

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 4, 1991.

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**March 6, 1991**

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 6, 1991**

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 6, 1991**

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 2, 1991.

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**March 6, 1991**

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 7, 1991**

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (Dick Corporation).

Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 7, 1991**

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 7, 1991**

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 7, 1991**

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 8, 1991**

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 5, 1991.

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**March 8, 1991**

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 4, 1991.

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**March 8, 1991**

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Additional Defendant Dick Corporation's Motion to Dismiss (relevant to No. 1309 only) filed by attorney for Defendant.

Copy forwarded to all counsel of record by attorney for Defendant.

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**March 8, 1991**

Commonwealth of Pennsylvania, Department of General Services' Answers and Objections to Dick Corporation's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

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**March 12, 1991**

Copy of Dick Corporation's Motion in Limine, for Sanctions and an Order of Judgment of Non Pros against the Commonwealth of Pennsylvania, Department of General Services for Delay in Answering Dick Corporation's Interrogatories - Set I Including the Subject Matter of Expert Testimony and Brief in Support of filed by attorney for Additional Defendant (Dick Corporation) (via FAX). Copy forwarded to all counsel of record by attorney for Defendant.

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**March 12, 1991**

Letter faxed to attorney for all parties relative to Mark J. Mascara, Esquire reviewing documents claimed to be privileged beginning at 10:00 a.m. on March 14, and 15, 1991, if necessary, in Mr. Doty's office at Eckert Seamans Cherin & Mellot, 600 Grant Street, Pittsburgh, Pennsylvania 15219.

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**March 13, 1991**

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

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**March 13, 1991**

Dick Corporation's Motion in Limine, for Sanctions and an Order of Judgment of Non Pros against the Commonwealth of Pennsylvania, Department of General Services for Delay in Answering Dick Corporation's Interrogatories-Set I including the Subject Matter of Expert Testimony and Brief in Support of filed by attorney for Additional Defendant (Novinger's, Inc.). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 13, 1991**

Objections of Department of General Services to Interrogatories filed at Docket No. 1309 by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

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**March 14, 1991**

Copy of testimony of Memorialization held March 5, 1991 forwarded to attorney for Defendant.

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**March 14, 1991**

Meeting held in Mr. Doty's Office in Pittsburgh, Pennsylvania to review documents claimed to be privileged, beginning at 10:00 a.m. Review completed.

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**March 20, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 20th day of March, 1991, the request of the Commonwealth of Pennsylvania, Department of General Services directed to Dick Corporation to produce various documents in accordance with the Department's request is hereby DENIED. If this request is not fulfilled within five (5) days of the date of this Order, Dick will be prevented from entering any evidence that would have any bearing whatsoever, and no matter how slight, to the documents that Dick refused to produce."** Copy forwarded to all counsel of record.

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**March 20, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 20th day of March, 1991, it is hereby ORDERED and DECREED that the Motion as filed by Dick Corporation is hereby DENIED. It is further ORDERED and DECREED that Dick Corporation, should it so desire, shall have the right to make oral arguments at the start of the Evidentiary Hearing on the validity of its Motion. Defendant, of course, shall also have the right to argue its position. It is further ORDERED and DECREED that the Defendant, Department of General Services, shall furnish the Plaintiff with the individual name and address of each expert witness it intends to use at trial. Plaintiff shall have the right to depose those expert witnesses and those which are not deposed prior to trial shall not be permitted to testify at the evidentiary hearing."** Copy forwarded to all counsel of record.

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**March 20, 1991**

Dick Corporation's Reply to the Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Dick Corporation's Motion to Dismiss the Department's Third Party Complaint to Join Dick Corporation as an Additional Defendant at Docket No. 1309 (relevant to 1309 only) filed by attorney for Additional Defendant (Dick Corporation).

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**March 20, 1991**

Motion to Compel the DGS to Answer Interrogatories of CFA/HFL and Motion for Sanctions filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to attorney for Additional Defendant (Dick Corporation), attorney for Defendant and attorney for Additional Defendant in No. 1303 (KPA Design Group).

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**March 21, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 21st day of March, 1991, the request of Dick in the nature of a Motion to Dismiss the Commonwealth of Pennsylvania, Department of General Services' Third Party Complaint to join Dick Corporation as an Additional Defendant at Docket No. 1303 is hereby **DENIED."** Copy forwarded to all counsel of record.

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**March 21, 1991**

Answer to the Department of General Services' Objections to Interrogatories filed by CFA/HFL in the form of a Motion to Compel the DGS to Answer CFA/HFL's Interrogatories or, in the Alternative, a Motion for Sanctions filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to attorney for Additional Defendant (Dick Corporation), attorney for Defendant and attorney for Additional Defendant in No. 1303 (KPA Design Group).

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**March 21, 1991**

Acceptance of Service of Testimony for exploratory memorialization held March 5, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 18,, 1991.

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**March 21, 1991**

Dick Corporation's Motion for Sanctions Against the Commonwealth of Pennsylvania, Department of General Services for Failure to Sufficiently Answer Dick Corporation's First Set of Interrogatories filed by attorney for Plaintiff (via fax). Copy forwarded to all counsel of record by attorney for Plaintiff.

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**March 22, 1991**

Dick Corporation's Answers to Interrogatories of Additional Defendant, KPA Design Group, Inc. filed by attorney for Additional Defendant (Dick Corporation) (relevant to No. 1309 only). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 22, 1991**

Dick Corporation's Motion for Sanctions Against the Commonwealth of Pennsylvania, Department of General Services for Failure to Sufficiently Answer Dick Corporation's First Set of Interrogatories filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 22, 1991**

Letter/Response to Request for Production of Documents of Additional Defendant, DPA Design Group, Inc. to Claimant Dick Corporation received from attorney for Additional Defendant (Dick Corporation) (via fax). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 22, 1991**

Department of General Services' Brief in Opposition to Motion to Compel Answers to Interrogatories filed by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company at Docket No. 1309 filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

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**March 25, 1991**

Motion to Rescue Mr. Miller from sitting at the trial of Additional Defendants, Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 25, 1991**

Objections to the Department of General Services' Interrogatories Directed to Celli-FLynn & Associates/H.F. Lenz Company, Celli-FLynn & Associates and H.F. Lenz Company filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all parties of record by attorney for Additional Defendant.

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**March 25, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

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**March 25, 1991**

Acceptance of Service of Opinion and Order dated March 22, 1991 received from attorney for Additional Defendant (Phillips Brothers).

Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

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**March 26, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Dick Corporation).

Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

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**March 26, 1991**

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 22, 1991.

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**March 26, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 22, 1991.

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**March 26, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

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**March 26, 1991**

Notice to Attend Directed to Dick Corporation filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 26, 1991**

Notice to Attend filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**March 27, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Phillips Brothers).

Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

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**March 27, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 22, 1991.

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**March 27, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

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**March 27, 1991**

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

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**March 28, 1991**

**CLOSED**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of March, 1991, it is **ORDERED** and **DECREED** that the Department of General Services shall produce Mr. James O'Brien in Harrisburg, Pennsylvania, on Monday, April, 1991 for the purpose of being deposed by opposing counsel. Should this Order not be complied with, the said Mr. James O'Brien will not be permitted to testify on behalf of the Department of General Services during the trial which begins on April 2, 1991." Copy forwarded to all parties of record.

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**March 28, 1991**

Objections of Department of General Services to Interrogatories filed at Docket No. 1235 by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company filed by attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

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**March 28, 1991**

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 26, 1991.

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**March 28, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 25, 1991.

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**March 29, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of March, 1991, it is **ORDERED** and **DECREED** that the Department of General Services is indebted unto Phillips Brothers Electrical Contractors, Inc. in the full and true sum of Four Hundred Eighty-Six Thousand Thirty-Three Dollars and Eighty-Seven Cents (\$486,033.87). It is noted in accordance with this Order that this figure has already been paid by the Department of General Services to Phillips Brothers Electrical Contractors, Inc. It is further **ORDERED** and **DECREED** that the Defendant, Department of General Services, is indebted unto H.B. Alexander & Sons, Inc. in the full and true sum of Two Million Seven Thousand Dollars (\$2,070,000.00), same to be paid within Forty-Five (45) days of the signing of the Settlement Agreement of February 28, 1991. It is further **ORDERED** and **DECREED** that the Department of General Services is indebted unto McClure Company in the full and true sum of Seven Hundred Forty-Eight Thousand Dollars (\$748,000.00). Upon receipt of said awards, Plaintiffs are to file with the Board a Praecipe, stating that the monies have been paid by the Department. Each party to bear its own costs." Copy forwarded to attorneys for Phillips Brothers Electrical Contractors, Inc., H.B. Alexander & Sons, Inc. and McClure Company via Fax and U.S. Mail.

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**March 29, 1991**

Memorandum of Commonwealth of Pennsylvania, Department of General Services in Opposition to Additional Defendant CFA/HFL's Motion to Recuse filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

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**April 1, 1991**

Motion to Dismiss Claim of Additional Defendant Celli-Flynn & Associates vs. Additional Defendant Phillips Brothers Electrical Contractors, Inc. filed by attorney for Additional Defendant (Phillips Brothers). Copy forwarded to all parties of record by attorney for Additional Defendant.

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**April 1, 1991**

Reply of Additional Defendant Phillips Brothers Electrical Contractors, Inc. to New Matter of Additional Defendant Celli-Flynn & Associates filed by attorney for Additional Defendant (Phillips Brothers). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**April 1, 1991**

Brief in Support of Additional Defendant's Phillips Brothers Electrical Contractors, Inc., Motion to Dismiss Third Party Claims of Additional Defendant Celli-Flynn filed by attorney for Additional Defendant (Phillips Brothers). Copy forwarded to all parties of record by attorney for Additional Defendant.

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**April 1, 1991**

Notice to Attend filed by attorney for Additional Defendant (Dink Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

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**April 2, 1991**

Stipulation to Dismiss (Celli-Flynn & Associates & H.B. Alexander & Sons) and Proposed Order filed by parties, executed by Judge Pace at time of hearing. The following Order is rendered: **"AND NOW,** this 2nd day of April, 1991, the stipulation of the parties is hereby entered as an order of this Board. Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, and H.F. Lenz Company, and H.B. Alexander & Sons, Inc., by their undersigned counsel, stipulate and agree that the crossclaims filed by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, and H.F. Lenz Company against H.B. Alexander & Sons, Inc. are hereby dismissed with prejudice."

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**April 2, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 27, 1991.

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**April 2, 1991**

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 27, 1991.

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**April 2, 1991**

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff April 1, 1991.

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**April 2, 1991**

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

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**April 2, 1991**

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

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**April 2, 1991**

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 29, 1991.

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**April 2, 1991**

Hearing held this date in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case concluded at 3:25 p.m. and continued until Wednesday, April 3, 1991.

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**April 3, 1991**

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

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**April 3, 1991**

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 2, 1991.

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**April 3, 1991**

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 2, 1991.

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**April 4, 1991**

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Additional Defendant (Dick Corporation).

Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

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**April 4, 1991**

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 30, 1991.

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**April 4, 1991**

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

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**April 4, 1991**

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

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**April 5, 1991**

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant undated.

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**April 5, 1991**

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

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**April 8, 1991**

Notices of Deposition of Thomas E. Cloeman and J.J. O'Brien filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

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**April 8, 1991**

Notice to Attend filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

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**April 9, 1991**

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 5, 1991.

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**April 9, 1991**

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

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**April 10, 1991**

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

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**April 11, 1991**

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

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**April 12, 1991**

Hearing held this date in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 11:15 a.m. Case settled.

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**April 12, 1991**

Stipulation to Dismiss and Proposed Order filed by attorney for Plaintiff, executed by parties.

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**April 16, 1991**

Stipulation to Dismiss and Proposed Order executed by Judge Pace. Order as follows: "AND NOW, this 16th day of April, 1991, the Stipulation of the parties attached hereto is hereby entered as an Order of this Board. Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company, and McClure Company, by their undersigned counsel, stipulate and agree that the crossclaims filed by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, and H.F. Lenz Company against McClure Company in the above-docketed matters are hereby dismissed, with prejudice."

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**April 24, 1991**

Testimony of hearing held April 2, 3, 4, 1991 filed.

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**April 26, 1991**

Copy of testimony for hearings held April 2, 3, and 4, 1991 forwarded to attorney for Defendant.

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**May 6, 1991**

Testimony of hearing held April 5 and 9, 1991 filed.

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**May 7, 1991**

Acceptance of Service of testimony for hearing held April 2, 3 and 4, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 1, 1991.

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**May 1, 1991**

Copy of testimony for hearing held May 5 and 9, 1991 forwarded to attorney for Defendant.

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**May 8, 1991**

Letter forwarded to parties scheduling Memorialization Hearing for May 15, 1991, in Board's Courtroom No. 1, 707 Transportation & Safety Building at 10:00 a.m.

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**May 13, 1991**

Testimony of hearing held April 10, 11 and 12, 1991 filed.

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**May 14, 1991**

Copy of testimony for hearing held April 10, 11 and 12, 1991 given to attorney for Defendant at time of hearing.

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**May 15, 1991**

Acceptance of Service of testimony for hearing held April 5 and 9, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 9, 1991.

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**May 15, 1991**

Memorialization held this date in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case concluded.

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**May 23, 1991**

Acceptance of Service of testimony for hearing held April 10, 11 and 12, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 17, 1991.

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**June 10, 1991**

Testimony of Memorialization held May 15, 1991 filed.

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**June 11, 1991**

Copy of testimony of Memorialization held May 15, 1991 forwarded to attorney for Defendant.

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**June 17, 1991**

Acceptance of Service of testimony for memorialization held May 15, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 11, 1991.

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**March 27, 1992**

Copy of executed Settlement Agreement Between Dick and the Department filed by attorney for Plaintiff.

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**August 26, 1992**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 26th day of August, 1992, upon due consideration of the Settlement Agreement between Dick and the Department and Releases of the parties attached thereto and other submissions, it is hereby **ORDERED** that Defendant, Commonwealth of Pennsylvania, Department of General Services, shall pay to Plaintiff, Dick Corporation, the sum of Six Hundred Ninety-Nine Thousand Nine Hundred Ninety-Nine Dollars and Ninety-Nine Cents (\$699,999.99) in full satisfaction of the matter. Plaintiff shall withdraw its Complaint and upon payment of the within award, file a Praecipe with the Board of Claims requesting that the matters which are the subject of this Opinion, be marked settled and discontinued with prejudice. Further, Defendant shall withdraw its Cross Complaints to join the Plaintiff and other parties in cases docketed to Nos. 1234 and 1309 and shall file a Praecipe with the Board of Claims requesting that the instant cases be marked settled and discontinued with prejudice. Each party to bear its own costs and attorneys' fees." Copy forwarded to all parties of record.

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**August 31, 1992**

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant August 27, 1992.

**September 4, 1992**

Opinion and Order (Mr. Waldron's) returned to us because of address change.

**September 8, 1992**

Opinion and Order (Mr. Adler's) returned to us because of postal service error.

**CLOSED**

Opinion and Order (Mr. Waldron's) reforwarded because of address change.

Opinion and Order (Mr. Adler's) reforwarded because of postal service error.

**September 11, 1992**

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant August 27, 1992.

**September 15, 1992**

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant (Mark J. Gesk, Esquire). Receipt of same acknowledged by attorney for Additional Defendant September 2, 1992.

**September 15, 1992**

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant (Robert W. Doty, Esquire). Receipt of same acknowledged by attorney for Additional Defendant.

**September 17, 1992**

Praecipe to Settle and Discontinue Cross Complaints filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

**September 18, 1992**

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Additional Defendant September 16, 1992.

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**September 21, 1992**

Letter Praecipe advising that all terms and conditions of the Settlement Agreement have been met filed by attorney for Plaintiff.

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**September 21, 1992**

Acceptance of Service of Opinion and Order dated September 26, 1992 received from attorney for Additional Defendant (Paul A. Waldron, Esquire). Receipt of same acknowledged by attorney for Additional Defendant (Paul A. Waldron, Esquire) September 14, 1992.

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**January 25, 1993**

The Board made the following Order: AND IT IS, this 25th day of January, 1993, upon further review of all items to be resolved in the above captioned matters and upon receipt of a Letter/Praecipe from counsel for Dick Corporation dated November 20, 1992, it is hereby **ORDERED** and **DECREED** that the cases docketed to number 1235, 1303 and 1309 shall be ended and marked 'settled and discontinued with prejudice'." Copy forwarded to all counsel of record.

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**January 28, 1993**

Acceptance of Service of Order received from attorney for Additional Defendant (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Additional Defendant (Theodore A. Adler, Esquire) January 26, 1993.

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**February 1, 1993**

Order dated January 25, 1993, sent to attorney for Additional Defendant (Paul L. Waldron, Esquire) returned due to incorrect address.

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**February 1, 1993**

Acceptance of Service of Order dated January 25, 1993, received from attorney for Additional Defendant (Barbara Suple-Sullivan, Esquire). Receipt of same acknowledged by attorney for Additional Defendant.

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**February 1, 1993**

Acceptance of Service of Order dated January 25, 1993 received from attorney for Defendant (Christopher R. Opalinski, Esquire). Receipt of same acknowledged by attorney for Defendant January 27, 1993.

**February 1, 1993**

Acceptance of Service of Order dated January 25, 1993 received from attorney for Additional Defendant (Roger J. Peters, Esquire). Receipt of same acknowledged by attorney for Additional Defendant January 27, 1993.

**February 2, 1993**

Order dated January 25, 1993 reforwarded to attorney for Additional Defendant (Paul L. Waldron, Esquire).

**February 5, 1993**

Acceptance of Service of Order dated January 25, 1993 received from attorney for Additional Defendant (Mark J. Gesk, Esquire). Receipt of same acknowledged by attorney for Additional Defendant February 1, 1993.

**February 5, 1993**

Order dated January 25, 1993 sent to attorney for Plaintiff (James K. Thomas, Esquire), returned due to incorreccted address).

**February 10, 1993**

Order dated January 25, 1993 reforwarded to attorney for Plaintiff (James K. Thomas, Esquire).

**February 17, 1993**

Acceptance of Service of Order dated January 25, 1993 received from attorney for Plaintiff (James K. Thomas, Esquire). Receipt of same acknowledged by attorney for Plaintiff February 15, 1993.

**February 25, 1993**

Acceptance of Service of Order dated January 25, 1993 received from attorney for Additional Defendant, Novinger's Inck. (Paul L. Waldron, Esquire). Receipt of same acknowledged by attorney for Additional Defendant (Paul L. Waldron, Esquire) February 4, 1993.

# CLOSED