

Docket Number: 1276

DRISCOLL CONSTRUCTION COMPANY, INC.

William H. Howard, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~
~~Jeffrey W. Davis, Assistant Counsel~~

July 8, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$717,500.00+.

July 13, 1988

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

July 15, 1988

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 14, 1988.

July 20, 1988

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General July 18, 1988.

August 12, 1988

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

August 19, 1988

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

August 19, 1988

Interrogatories from Defendant, Commonwealth of Pennsylvania, Department of Transportation to Plaintiff, Driscoll Construction Company, Inc., First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 1, 1988

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

September 12, 1988

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

September 19, 1988

Answers of Plaintiff to Interrogatories from Defendant, Commonwealth of Pennsylvania, Department of Transportation to Plaintiff, Driscoll Construction Company, Inc., First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 19, 1988

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

October 7, 1988

Exhibit A to Response of Plaintiff to Defendant's First Request for Production of Documents (which might have been incomplete at the original filing on September 19, 1988) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 28, 1988

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

November 21, 1988

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

December 22, 1988

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

September 5, 1989

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

November 9, 1992

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

November 23, 1992

Notice of Depositions of Vito Genua, Leo Leonetti and Michael Altomari filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 17, 1993

Notice of Deposition of Bernard Goldentyer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 29, 1993

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

September 27, 1993

Hearing scheduled for February 7, 8, 9, 10, and 11, 1994, and February 14, 15, 16, 17, and 18, 1994, if necessary, in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. February 7, 1994, and thereafter, commencing at 9:30 a.m.

October 20, 1993

Letter/Supplemental Answer to PennDot's Interrogatory No. 16 and Informal Interrogatory to PennDot filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 20, 1993

Objections and Responses of Plaintiff to Defendant's Second Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 25, 1994

Notice to Attend directed to Mr. Leo Leonetti and Mr. Vito A. Genua filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 3, 1994

Withdrawal of Notice to Attend with Respect to Vito A. Genua filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 7, 1994

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

February 7, 1994

Subpoena Duces Tecum issued on Mr. Bernard Goldentyer filed by attorney for Plaintiff at time of hearing. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 8, 1994

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

CLOSED

Testimony of hearing held February 7, 8, and 9, 1994, filed.

March 22, 1994

Copy of testimony of hearing held February 7, 8, and 9, 1994, forwarded to attorney for Defendant.

March 22, 1994

Acceptance of Service of testimony of hearing held February 7, 8, and 9, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 22, 1994.

April 22, 1994

Proposed Findings of Fact, Proposed Conclusions of Law, and Post-Hearing Brief of Plaintiff, Driscoll Construction Co., Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 10, 1994

Post-Hearing Memorandum Submitted on Behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 1, 1994

Reply Brief of Plaintiff, Driscoll Construction Co., Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 29, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of August, 1995, we find in favor of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, and against the Plaintiff, Driscoll Construction Company, Inc. We do not find the Plaintiff to be entitled to an award. All costs are to be borne respectively by the parties to this litigation." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

September 5, 1995

Acceptance of Service of Opinion and Order dated August 29, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 31, 1995.

September 6, 1995

Acceptance of Service of Opinion and Order dated August 29, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 31, 1995.

October 2, 1995

Petition for Review filed by attorney for Plaintiff.

November 7, 1995

Copy of Petition for Review received from Commonwealth Court. [No. 2460 C.D. 1995]

December 21, 1995

File transmitted to Commonwealth Court.

December 31, 1996

File returned from Commonwealth Court.

December 31, 1996

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, October 22, 1996, the decision of the Board of Claims, No. 1276, dated August 29, 1995, is affirmed."
