

Docket Number: 1278

O'STEEN TRANSPORTATION CORPORATION

Gerald Gornish, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Patricia A. Zucker, Assistant Counsel~~
~~Jan Matthew Tamanini, Esquire~~

AND

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF LABOR & INDUSTRY, BUREAU OF EMPLOYER TAX OPERATIONS

Stuart M. Bliwas, Assistant Counsel

July 19, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$47,037.00+.

July 21, 1988

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

July 25, 1988

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 22, 1988.

July 28, 1988

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General July 22, 1988.

August 5, 1988

Petition to Intervene filed by attorney for Department of Labor & Industry. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Department of Labor & Industry.

August 22, 1988

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

September 8, 1988

Reply of O'Steen Transportation Corporation to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

***October 11, 1988**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 11th day of October, 1988, the request of the Commonwealth of Pennsylvania, Department of Labor & Industry, Bureau of Employer Tax Operations, to become part of this litigation as an Intervenor is hereby **GRANTED.** The caption shall now read as follows: O'STEEN TRANSPORTATION CORPORATION VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION AND DEPARTMENT OF LABOR AND INDUSTRY, BUREAU OF EMPLOYER TAX OPERATIONS, Intervenor, DOCKET NO. 1278. The Intervenor is directed to file pleadings within thirty (30) days of the date of this Order."

October 12, 1988

Copy of Opinion and Order dated October 11, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

October 12, 1988

Acceptance of Service of Opinion and Order dated October 11, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 12, 1988.

October 18, 1988

Praecipe for Entry/Withdrawal of Appearance filed by Jan Matthew Tamanini, Esquire, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 19, 1988

Acceptance of Service of Opinion and Order dated October 11, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 17, 1988.

December 5, 1988

Praecipe to Withdraw Petition to Intervene filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

January 19, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW,** this 19th day of January, 1989, upon consideration of the Praecipe to Withdraw Petition to Intervene, filed on behalf of the Commonwealth of Pennsylvania, Department of Labor & Industry, Bureau of Employer Tax Operations, it is hereby **ORDERED** that the Praecipe is **GRANTED.**" Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Intervenor.

January 24, 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 20, 1989.

January 26, 1989

Acceptance of Service of Opinion and Order dated January 19, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 23, 1989.

June 30, 1989

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 30th day of June, 1989, in accordance with the Stipulation and request as filed by both Plaintiff and Defendant the Board finds for the Plaintiff and against the Defendant in the following manner:

a. The Board finds in favor of the Plaintiff, O'Steen Transportation Corporation, and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, a sum in the amount of \$104,388.00 for damages occurring between the period of October 1, 1984, through July 31, 1985, plus interest thereon at the legal rate of six percent (6%) per annum from July 31, 1985. b. The Board finds in favor of the Plaintiff, O'Steen Transportation Corporation, and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, a sum in the amount of \$47,037.00 for damages occurring between the period of August 1, 1985 through January 1, 1986, plus interest thereon at the legal rate of six percent (6%) per annum from January 31, 1986. c. Said total award to the Plaintiff shall be paid in two (2) installments - the first installment in the amount of \$19,501.04 will be paid within thirty (30) days from the entry of this award and the balance, including interest thereon, in the amount of \$95,787.55 shall be paid on or about August 31, 1989.

Payment of this sum shall constitute full and complete settlement of these claims. d. Each party to bear its own costs. e. It is further **ORDERED** that the Plaintiff, upon receiving the entire sum of this Order, shall notify the Board by Praecipe requesting the case be marked 'satisfied in full and discontinued'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 6, 1989

The Board rendered an Amended Opinion and made the following Order:

"AND NOW, this 6th day of July, 1989, in accordance with the Stipulation and request as filed by both Plaintiff and Defendant the Board finds for the Plaintiff and against the Defendant in the following manner: a. The Board finds in favor of the Plaintiff, O'Steen Transportation Corporation, and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, a sum in the amount of \$104,388.00 for damages occurring between the period of October 1, 1984, through July 31, 1985, plus interest thereon at the legal rate of six percent (6%) per annum from July 31, 1985. b. The Board finds in favor of the Plaintiff, O'Steen Transportation Corporation, and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, a sum in the amount of \$47,037.00 for damages occurring between the period of August 1,

July 6, 1989 (Cont'd)

1985, through January 31, 1986, plus interest thereon at the legal rate of six percent (6%) per annum from January 31, 1986. c. Said total award to the Plaintiff shall be paid in two (2) installments - the first installment in the amount of \$19,501.04 will be paid within thirty (30) days from the entry of this award and the balance, including interest thereon, in the amount of \$95,787.55 shall be paid on or about August 31, 1989. Payment of this sum shall constitute full and complete settlement of these claims. d. Each party to bear its own costs. e. It is further **ORDERED** that the Plaintiff, upon receiving the entire sum of this Order, shall notify the Board by Praecipe requesting the case be marked 'satisfied in full and discontinued'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 1, 1989

Acceptance of Service of Opinion and Order dated July 1, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 10, 1989.

July 25, 1989

Acceptance of Service of Amended Opinion and Order dated July 6, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 20, 1989.

August 25, 1989

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

August 30, 1989

The Board made the following Order: "**AND NOW**, this 30th day of August, 1989, upon receipt of Praecipe to mark the above-captioned matter 'satisfied in full and discontinued', executed by Gerald Gornish, Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of August 25, 1989, it is **ORDERED** and **DIRECTED** that said case be marked settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 1, 1989

Acceptance of Service of Order dated August 30, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 31, 1989.

September 6, 1989

Acceptance of Service of Orders dated August 30, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 5, 1989.

CLOSED