

Docket Number: 1289

P.J. DICK CONTRACTING, INC.

Jack W. Plowman, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~John J. Buchy, Chief of Litigation
M. Shirley Young, Assistant Counsel~~

August 22, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$567,793.52+.

August 26, 1988

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

September 1, 1988

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General August 29, 1988.

CLOSED

Praecipe for Withdrawal and Entry of Appearance filed by David A. Fitzsimons, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 20, 1989

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

March 20, 1989

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

April 7, 1989

Notice of Service of Interrogatories filed by attorney for Plaintiff.

April 7, 1989

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

April 17, 1989

First Set of Interrogatories to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant filed by attorney for Plaintiff.

June 26, 1989

Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 14, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of August, 1989, upon due consideration of Plaintiff's Motion for Sanctions and Request to Compel Defendant's Answers to Plaintiff's First Set of Interrogatories, a Rule is issued upon the Defendant, Commonwealth of Pennsylvania Department of General Services, to Show Cause why the Board of Claims should not order answers to be made to Plaintiff's First Set of Interrogatories or to suffer sanctions for failing to answer said interrogatories." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 17, 1989

Acceptance of Service of Opinion and Order dated August 17, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 15, 1989.

August 21, 1989

Acceptance of Service of Opinion and Order dated August 14, 1989 received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 6, 1989

Motion to Make Rule Absolute and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 7, 1989

Motion for Consolidation of Actions and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 7, 1989

Motion for Leave to Join Jay R. Reynolds and Ballinger Company, Inc. as Additional Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 13, 1989

Answer to Motion to Consolidate and New Matter filed by attorney for Plaintiff (Jay R. Reynolds, Inc.). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 14, 1989

Answer to Motion to Make Rule Absolute and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Plaintiff (Jay R. Reynolds, Inc.) by attorney for Defendant.

CLOSED

September 22, 1989

Answer to Motion to Consolidate and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 22, 1989

Answer to Motion for Leave to Join Additional Defendants and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 24, 1989

Reply to Plaintiff Jay R. Reynolds' New Matter in a Motion to Consolidate filed by attorney for Defendant. Copies forwarded to all parties by attorney for Defendant.

November 3, 1989

Memorandum of Law in Opposition to Defendant's Motion to Consolidate filed by attorney for Jay R. Reynolds, Inc. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Jay R. Reynolds, Inc.

***December 22, 1989**

The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of December, 1989, upon consideration of the Motion for Leave to Join P. J. Dick Contracting, Inc. and Ballinger Company, Inc. to Board of Claims' Docket

No. 1258 and to join Jay R. Reynolds, Inc. and Ballinger Company, Inc. to Board of Claims' Docket No. 1289 is hereby **GRANTED**. The Defendant, within thirty (30) days of the date of this Opinion, is directed to file the appropriate Complaint against the Additional Defendants in accordance with this Opinion. The caption of the case shall read as follows: Jay R. Reynolds, Inc. vs. Commonwealth of Pennsylvania, Department of General Services vs. P. J. Dick Contracting, Inc. and Ballinger Company, Inc., Additional Defendants, Docket No. 1258 and P. J. Dick Contracting, Inc. vs. Commonwealth of Pennsylvania, Department of General Services vs. Jay R. Reynolds, Inc. and Ballinger Company, Inc., Additional Defendants, Docket No. 1289." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and attorneys for Additional Defendants.

CLOSED
December 29, 1989
The Board rendered an Opinion and made the following Order. **AND NOW**, this 29th day of December, 1989, the motion for consolidation of Actions as filed by the Defendant, The Commonwealth of Pennsylvania, Department of General Services, is **GRANTED** and as of this date, the three (3) matters to Docket Nos. 1093, 1258, and 1289 will advance forward as a consolidated case. All pleadings, depositions, and other discovery will contain the three (3) docket numbers and all discovery will be considered December 29, interchangeable between each case, and at the time of trial, all three (3) cases (continued) will be tried simultaneously." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and attorneys for Additional Defendants.

December 29, 1989

Acceptance of Service of Opinion and Order dated December 22, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 26, 1989.

January 10, 1990

Acceptance of Service of Opinion and Order dated December 29, 1989, received from attorney for Additional Defendant (Jay R. Reynolds, Inc.). Receipt of same acknowledged by attorney for Additional Defendant (Jay R. Reynolds, Inc.) January 5, 1990.

January 11, 1990

Acceptance of Service of Opinion and Order dated December 29, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 4, 1990.

CLOSED

January 12, 1990

Acceptance of Service of Opinion and Order dated December 29, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 5, 1990.

January 16, 1990

Complaint to Join Ballinger Company, Inc. as an Additional Defendant (Docket No. 1258), Complaint to Join P. J. Dick Contracting, Inc. as an Additional Defendant (Docket No. 1258), Complaint to Join Ballinger Company, Inc. as an Additional Defendant (Docket No. 1289), and Complaint to Join Jay R. Reynolds, Inc. as an Additional Defendant (Docket No. 1289) filed by attorney for Defendant.

January 22, 1990

Acceptance of Service of Opinion and Order dated December 22, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 3, 1990.

January 24, 1990

Copies of Complaint to Join Ballinger Company, Inc. as an Additional Defendant (Docket No. 1258), Complaint to Join P. J. Dick Contracting, Inc. as an Additional Defendant (Docket No. 1258), Complaint to Join Ballinger Company, Inc. as an Additional Defendant (Docket No. 1289), and Complaint to Join Jay R. Reynolds, Inc. as an Additional Defendant (Docket No. 1289) forwarded to attorney for Plaintiff, attorneys for Additional Defendants, and Chief Deputy Attorney General.

January 30, 1990

Acceptance of Service of Complaints Joining Additional Defendants received from attorney for Additional Defendant (Jay R. Reynolds, Inc.). Receipt of same acknowledged by attorney for Additional Defendant (Jay R. Reynolds, Inc.) January 26, 1990.

February 2, 1990

Acceptance of Service of Complaints to Join Additional Defendants received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 26, 1990.

February 7, 1990

Acceptance of Service of Complaints Joining Additional Defendants received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 5, 1990.

February 8, 1990

Answer and New Matter of Jay R. Reynolds, Inc. to Third Party Complainant, Commonwealth of Pennsylvania, Department of General Services filed to Board of Claims Docket No. 1289 filed by attorney for Additional Defendant (Jay R. Reynolds, Inc.). Copy forwarded to all parties by attorney for Additional Defendant (Jay Reynolds, Inc.).

CLOSED

February 21, 1990

Plaintiff's, Jay R. Reynolds, Inc., Interrogatories to Defendant, Department of General Services (Third Party) filed by attorney for Additional Defendant (Jay R. Reynolds, Inc.). Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant (Ballinger Company, Inc.) by attorney for Additional Defendant (Jay R. Reynolds, Inc.).

March 5, 1990

Answer of Third Party Complainant, Commonwealth of Pennsylvania, Department of General Services, to the New Matter of Additional Defendant, Jay R. Reynolds, Inc. filed to Board of Claims Docket No. 1289 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendants by attorney for Defendant.

March 15, 1990

Answer, New Matter, Set-Off and Counterclaim of the Ballinger Company to Third Party Complaint of Defendant Commonwealth of Pennsylvania, Department of General Services, Docket No. 1289 filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

March 26, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of March, 1990, the Motion to Make Rule Absolute as filed by the Defendant is **DENIED**. The Defendant is given thirty (30) days from the date of this Order to file appropriate Answers to Plaintiff's First Set of Interrogatories." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

March 28, 1990

Acceptance of Service of Opinion and Order dated March 26, 1990, received from attorney for Additional Defendant (Ballinger Company, Inc.). Receipt of same acknowledged by attorney for Additional Defendant March 27, 1990.

March 28, 1990

Acceptance of Service of Opinion and Order dated March 26, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 27, 1990.

April 16, 1990

Acceptance of Service of Opinion and Order dated March 26, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff of March 1, 1990.

CLOSED

May 1990

Praecipe to make Rule Absolute and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 21, 1990

Answers to the First Set of Interrogatories to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendants by attorney for Defendant.

June 22, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of June, 1990, it is **ORDERED** and **DECREED** that Plaintiff's Praecipe to Make Rule Absolute, docketed under date of May 1, 1990, be and hereby is **DISMISSED** as being moot." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

June 26, 1990

Acceptance of Service of Opinion and Order dated June 22, 1990 received from attorney for Additional Defendant (Jay R. Reynolds, Inc.). Receipt of same acknowledged by attorney for Additional Defendant June 25, 1990.

June 26, 1990

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

by attorney for Defendant July 2, 1990.

July 6, 1990

Acceptance of Service of Opinion and Order dated June 22, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 2, 1990.

August 13, 1990

Reply to New Matter, and Answer to Set-Off and Counterclaim of the Ballinger Company to the Third Party Complaint of Defendant, Commonwealth of Pennsylvania, Department of General Services, BOC Docket No. 1289 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

December 19, 1990
Notice of Change of Firm Name filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

September 17, 1991

Praeipce to Discontinue filed by attorney for Additional Defendant (Jay R. Reynolds, Inc.). Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant (Ballinger Company, Inc.) by attorney for Additional Defendant.

September 24, 1991

Praeipce to Discontinue filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorneys for Additional Defendants by attorney for Plaintiff.

October 3, 1991

Cover letter, advising that Plaintiff has received monies, Proposed Order, as well as copy of Settlement Agreementt filed by Plaintiff. Copy forwarded to attorney for all parties by attorney for Plaintiff.

September 8, 1992

Settlement Agreements (3), executed by all parties, filed by attorney for Defendant. Copy forwarded to all attorneys for all parties by attorney for Defendant.

December 17, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of December, 1992, upon due consideration of the Settlement Agreements as described in the above Opinion, and the Releases of the parties attached thereto and the other submissions, it is hereby **ORDERED** that said Settlement Agreements are approved and the terms thereof are fair and reasonable. It is further **ORDERED** that the cases docketed to Nos. 1093, 1289 shall be marked 'settled, ended and discontinued with prejudice'." Copy forwarded to all attorneys of record.

December 22, 1992

Acceptance of service of Opinion and Order dated December 17, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant December 18, 1992.

CLOSED