

Docket Number: 1298

STATE AGGREGATES, INC. AND AMERICAN ASPHALT PAVING CO., Joint
Venturers

Sherill T. Moyer, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~
~~Stephen J. Busterna, Assistant Counsel~~

September 22, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$126,651.20+.

October 6, 1988

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

October 11, 1988

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 6, 1988.

CLOSED

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

November 23, 1988

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

December 6, 1988

Amended Certificate of Service filed by attorney for Plaintiff.

January 5, 1989

Notice of Service of Interrogatories and Claimant's Request for Production of Documents Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 2, 1989

Notice of Service of Defendant's Interrogatories to Plaintiffs, State Aggregates, Inc. and American Asphalt Paving Co. - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 2, 1989

Notice of Service of Defendant's Request for Production of Documents to Plaintiffs, State Aggregates, Inc. and American Asphalt Paving Co. - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 15, 1989

Answers to Claimant's First Set of Interrogatories Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 19, 1989

Plaintiff's Response to Request for Production of Documents - First Set and Answer to Defendant's Interrogatories to Plaintiffs, State Aggregates, Inc. and American Asphalt Paving Co. - First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 17, 1992

Notice of Depositions of John Motter, Dean Maurer, and Joseph Marchahitis filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 11, 1993

Notice of Deposition of Joseph A. Fillippino, William R. Moyer, and Charles A. Kline filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 11, 1993

Amended Notice of Deposition of Dean Maurer and John Motter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 23, 1993

Agreement and Release executed by parties filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 6, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of July, 1993, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is indebted unto the Plaintiffs, State Aggregates,

Inc. and American Asphalt Paving Co., Joint Venturers, in the full and true sum of Sixty-Two Thousand Seven Hundred Ninety-Nine Dollars (\$62,799.00). Upon receipt of said award, Plaintiffs shall forthwith file with the Board of Claims a Praecipe that the case be marked 'settled, discontinued and ended with prejudice'. Each party to bear its own costs and attorneys fees." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 7, 1993

Acceptance of Service of Opinion and Order dated July 6, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 6, 1993.

July 12, 1993

Acceptance of Service of Opinion and Order dated July 6, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 7, 1993.

December 21, 1993

Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff.

December 28, 1993

Certificate of Service of Praecipe to Settle, Discontinue and End served upon attorney for Defendant by attorney for Plaintiff.

December 29, 1993

The Board made the following Order: "**AND NOW**, this 29th day of December, 1993, pursuant to Praecipe to Settle, Discontinue and End filed by Thomas A. French, Esquire, attorney for Plaintiff, State Aggregates, Inc. and American Asphalt Paving Co., Joint Venturers, filed with this Board under date of December 20, 1993, advising to 'kindly mark the above-captioned matter settled, discontinued and ended with prejudice,' it is hereby **ORDERED** and **DIRECTED** that the case be marked 'settled, discontinued and ended with prejudice.'" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 3, 1994

Acceptance of Service of Order dated December 29, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 30, 1994.
