

Docket Number: 1307

C. H. KLINGER, INC.

Theodore A. Adler, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~John J. Buchy, Chief of Litigation~~  
~~Jose E. Morales, Assistant Counsel~~

VS.

**\*JAMES CRAFT AND SON, INC., ADDITIONAL DEFENDANT**

~~James Craft~~  
R. Eric Pierce, Esquire

**October 19, 1988**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$176,814.04+.

---

**October 26, 1988**

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

---

**November 2, 1988**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 31, 1988.

---

**CLOSED**

---

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

---

**January 30, 1989**

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

---

**February 14, 1989**

Requests for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**March 14, 1989**

Answer to Requests for Admissions Under Pa. R.C.P. 4014 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**April 3, 1989**

Notice of Service of Interrogatories served upon attorney for Defendant filed by attorney for Plaintiff.

---

**April 12, 1989**

Plaintiff's Interrogatories to Defendant (First Set) With Request for Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**May 12, 1989**

Motion for Leave to Join James Craft and Son, Inc. as Additional Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**May 18, 1989**

Reply with New Matter of Plaintiff to Motion of Department of General Services for Leave to Join James Craft and Son, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**\*June 4, 1989**

The Court rendered an Opinion and made the following Order: **"AND NOW,** this 5th day of June, 1989, the request of the Defendant, Commonwealth of Pennsylvania, Department of General Services, to join James Craft and Son, Inc. as an Additional Defendant is hereby **GRANTED.** The Defendant is directed to file the Complaint against the Additional Defendant with the Board and to serve copies on the Additional Defendant. The new caption of the case will be as follows: C. H. KLINGER, INC. VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES VS. JAMES CRAFT AND SON, INC., Additional Defendant." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

---

**June 5, 1989**

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

---

**June 8, 1989**

Acceptance of Service of Opinion and Order dated June 5, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 6, 1989.

---

**June 8, 1989**

Acceptance of Service of Opinion and Order dated June 5, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 6, 1989.

---

**June 8, 1989**

Complaint to Join James Craft and Son, Inc. filed by attorney for Defendant.

---

**June 14, 1989**

Copy of Complaint to Join Craft and Son, Inc. forwarded to attorney for Plaintiff, Additional Defendant and Chief Deputy Attorney General.

---

**June 16, 1989**

Acceptance of Service of Complaint to Join James Craft & Son, Inc. received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 15, 1989.

---

**June 19, 1989**

Acceptance of Service of Complaint to Join James Craft & Son, Inc. received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 15, 1989.

---

**June 27, 1989**

Proof of Service of Complaint to Join Additional Defendant, James Craft & Son, Inc. served upon Additional Defendant filed by attorney for Defendant.

---

**July 5, 1989**

Copy of Proof of Service of Complaint to Join Additional Defendant, James Craft and Son, Inc. forwarded to attorney for Plaintiff and attorney for Additional Defendant.

---

**July 10, 1989**

Acceptance of Service of Opinion and Order dated Jun 5, 1989 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant June 23, 1989.

---

**July 10, 1989**

Acceptance of Service of Proof of Service of Complaint to Join Additional Defendant, James Craft & Son, Inc. received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 6, 1989.

---

**August 3, 1989**

Answer to Complaint to Join James Craft & Son, Inc. filed by attorney for Additional Defendant.

---

**August 9, 1989**

Certificate of Service of Answer to Complaint to Join James Craft & Son, Inc. served upon attorney for Plaintiff filed by attorney for Additional Defendant.

---

**August 9, 1989**

Certificate of Service of Answer to Complaint to Join James Craft & Son, Inc. served upon attorney for Defendant filed by attorney for Additional Defendant.

---

**August 14, 1989**

The Board made the following Order: **ORDER**, this 14th day of August, 1989, based upon Plaintiff's Motion to Compel Answers to Interrogatories, and to Show Cause is issued upon the Defendant, Commonwealth of Pennsylvania, Department of General Services to show cause why the Plaintiff's Interrogatories, directed to the Defendant on March 30, 1989, should not be answered, and to show cause why appropriate sanctions should not be issued." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

---

**August 18, 1989**

Acceptance of Service of Opinion and Order dated August 14, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 17, 1989.

---

**August 24, 1989**

Acceptance of Service of Opinion and Order dated August 14, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 18, 1989.

---

**September 5, 1989**

Answer to Plaintiff's Interrogatories to Defendant (First Set) with Request for Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**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.

---

**October 18, 1989**

Plaintiff's Interrogatories to Defendant (Second Set) filed by attorney for Plaintiff. Copy forwarded for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

---

**October 18, 1989**

Plaintiff's Request for Production of Documents Addressed to Defendant filed by attorney for Plaintiff.

---

**October 18, 1989**

Plaintiff's Interrogatories to Additional Defendant (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

---

**October 18, 1989**

Plaintiff's Request for Production of Documents Addressed to Additional Defendant filed by attorney for Plaintiff.

---

**December 15, 1989**

Defendant's Answer to Plaintiff's Request for Production of Documents Addressed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

---

**December 15, 1989**

Answers to Plaintiff's Interrogatories to Defendant (Second Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

---

**January 17, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 17th day of January, 1990, it is **ORDERED** and **DECREED** that Plaintiff's Motion to Make Rule Absolute has been rendered **MOOT** and is therefore dismissed."

---

**January 18, 1990**

Copy of Opinion and Order dated January 17, 1990 forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

---

**January 24, 1990**

Acceptance of Service of Opinion and Order dated January 17, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 23, 1990.

---

**January 25, 1990**

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

---

**January 29, 1990**

Acceptance of Service of Opinion and Order dated January 17, 1990 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant January 24, 1990.

---

**February 15, 1990**

Answers to Plaintiff's Interrogatories to Additional Defendant (First Set) filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

---

**February 15, 1990**

Reply to Plaintiff's Request for Production of Documents Addressed to Additional Defendant filed by attorney for Additional Defendant. Copy forwarded to Plaintiff and attorney for Defendant by attorney for Additional Defendant.

---

**May 17, 1990**

Hearing scheduled for November 6, 7, 8 and 9, 1990 as well as November 13, 14, 15 and 16, 1990, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania commencing at 10:00 a.m.

---

**October 9, 1990**

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

---

**October 31, 1990**

Department of General Services' Answer to Plaintiff's Request for Interrogatories and Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

---

**November 6, 1990**

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

---

**November 7, 1990**

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

---

**November 8, 1990**

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

---

**November 9, 1990**

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

---

**November 15, 1990**

Additional Defendant Craft's AD-3 (final inspection report, final payment and extension of time) filed by attorney for Additional Defendant.

---

**December 17, 1990**

Testimony for hearing held November 6 and 7, 1990 filed.

---

**December 18, 1990**

Copy of testimony for hearing held November 6 and 7, 1990 forwarded to attorney for Defendant.

---

**December 18, 1990**

Testimony for hearing held November 8 and 9, 1990 filed.

---

**December 19, 1990**

Copy of testimony for hearing held November 6 and 7, 1990 forwarded to attorney for Defendant.

---



**December 27, 1990**

Acceptance of Service of testimony for hearing held November 6 and 7, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 18, 1990.

---

**December 27, 1990**

Acceptance of Service of testimony for hearing held November 8 and 9, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 19, 1990.

---

**January 16, 1991**

Suggested Findings of Fact, Conclusions of Law and Legal Brief in Support Thereof filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

---

**March 6, 1991**

Department of General Services' Findings of Fact, Conclusions of Law and Brief in Support Thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**April 18, 1991**

Suggested Findings of Fact, Conclusions of Law and Legal Brief in Support Thereof filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

---

**September 6, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 6th day of September, 1991, after hearing, the Board makes the following award for the Plaintiff: a. Loss on Contract: \$59,269.00, b. Interest Expense: \$19,907.00, c. Unrealized Gross Profit, Including Buy-Out Savings: \$58,782.00, TOTAL \$137,958.00.

With interest thereon at the rate of six percent (6%) per annum from the date of accrual, April 12, 1988, the date of which the Claim was submitted to DGS. All other claims of the Plaintiff are **DENIED."**

Copy forwarded to attorney for Plaintiff, attorney for Defendant, attorney for Additional Defendant and Chief Deputy Attorney General.

---

**September 10, 1991**

Acceptance of Service of Opinion and Order dated September 6, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 9, 1991.

---

**September 10, 1991**

Acceptance of Service of Opinion and Order dated September 6, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 9, 1991.

---

**September 11, 1991**

Acceptance of Service of Opinion and Order dated September 6, 1991 received from attorney for additional Defendant. Receipt of same acknowledged by attorney for additional Defendant September 9, 1991.

---

**September 12, 1991**

Acceptance of Service of Opinion and Order dated September 6, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 9, 1991.

---

**October 4, 1991**

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.

---

**OCTOBER 10, 1991**

Petition for Review received from Commonwealth Court. [No. 2138 C.D. 1991]

---

**November 5, 1991**

File transmitted to Commonwealth Court.

---

**September 2, 1992**

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, this 27th day of August, 1992, the order of the Board of Claims in the above-captioned matter is hereby affirmed."

---

**October 18, 1992**

File returned from Commonwealth Court.

---