

Docket Number: 1309

McCLURE COMPANY

~~Kenneth L. Levin, Esquire
Carolyn Warter Goff, Esquire
James K. Thomas, Esquire~~

AND

MCKAMISH-CHESAPEAKE, INC.

Intervening Plaintiff

~~Theodore A. Adler, Esquire~~

CLOSED

~~U.S.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES~~

~~Christopher P. Opalenski, Esquire
Robert W. Doty, Esquire
Andrew M. Roman, Esquire~~

VS.

DICK CORPORATION

Roger J. Peters, Esquire
Paul L. Waldron, Esquire
John H. Tracy, Esquire
John F. Myers, Esquire

CELLI-FLYNN & ASSOCIATES/H.F. LENZ COMPANY

David A. Neely, Esquire
Mark J. Gesk, Esquire
Lori A. Arena, Esquire

H.B. ALEXANDER & SON, INC.

Donna L. Fisher, Esquire
Bruce W. Ficken, Esquire
Thomas B. Schmidt, III, Esquire

NOVINGER'S, INC.

Paul L. Waldron, Esquire

PHILLIPS BROTHERS ELECTRICAL CONTRACTORS, INC.

Barbara Sumple-Sullivan, Esquire

CELLI-FLYNN & ASSOCIATES AND H.F. LENZ COMPANY

Mark J. Gesk, Esquire
Lori A. Arena, Esquire

CLOSED

October 24, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$2,354,725.07+.

October 24, 1988

Claimant's Interrogatories Addressed to Respondent Department of General Services of the Commonwealth of Pennsylvania - Set No. 1 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant.

October 24, 1988

Claimant's First Request for Production of Documents to Respondent Department of General Services of the Commonwealth of Pennsylvania filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant.

October 27, 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 27, 1988.

November 4, 1988

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 31, 1988.

November 4, 1988

Acceptance of Service of Interrogatories dated October 24, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 31, 1988.

November 4, 1988

Acceptance of Service of Request for Production of Documents dated October 24, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 31, 1988.

November 29, 1988

Petition to the Board of Claims for Intervention or Joinder or Other Relief as well as Brief for Petitioner, McKamish-Chesapeake, Inc.

in Support of its Petition to Intervene filed by attorney for McKamish-Chesapeake, Inc. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for McKamish-Chesapeake, Inc.

December 12, 1988

Answers and Objections of Department of General Services to Interrogatories of Claimant McClure Company Addressed to Respondent Department of General Services of the Commonwealth of Pennsylvania - Set No. 1 and Claimant's Interrogatories Addressed to Respondent Department of General Services of the Commonwealth of Pennsylvania - Set No. 1 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 12, 1988

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

December 27, 1988

Praecipe for Writ to Join Celli-Flynn & Associates/H.F. Lenz Company, A Joint Venture, Celli-Flynn & Associates, A Partnership, and H.F. Lenz Company, A Corporation, As Additional Defendants and Complaints to Join H.B. Alexander & Sons, Inc., Dick Corporation, Novinger's, Inc., and Phillips Brothers Electrical Contractors, Inc. filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

December 28, 1988

Answer and New Matter of Commonwealth of Pennsylvania, Department of General Services filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 5, 1989

Copy of Complaints to Join Dick Corporation, H.B. Alexander & Sons, Inc., Novinger's, Inc. and Phillips Brothers Electrical Contractors Inc. forwarded to attorney for Plaintiff, Additional Defendants and Chief Deputy Attorney General. Copy of Writ to Join Additional Defendants forwarded to Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company.

January 11, 1989

Acceptance of Service of Complaint to Join Dick Corporation received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant January 9, 1989.

January 18, 1989

Acceptance of Service of Complaint to Join Novinger's, Inc. received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff January 13, 1989.

January 18, 1989

Acceptance of Service of Complaint to Join H. B. Alexander & Sons, Inc. received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff January 13, 1989.

January 18, 1989

Acceptance of Service of Complaint to Join Dick Corporation received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff January 13, 1989.

January 18, 1989

Acceptance of Service of Complaint to Join Phillips Brothers Electrical Contractors, Inc. received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff January 13, 1989.

January 23, 1989

Praecipe for Appearance of Mark J. Gesk, Esquire and Lori A. Arena, Esquire on behalf of Additional Defendant, H.F. Lenz Company filed by Mark J. Gesk, Esquire and Lori A. Arena, Esquire, attorneys for Additional Defendant (H.F. Lenz Company). Copy forwarded to attorney for Plaintiff, attorney for Defendant, attorney for Additional Defendant (H.B. Alexander & Sons, Inc.), McClure Company, Inc. and Phillips Brothers Electrical Contractors, Inc.

January 23, 1989

Entry of Appearance of Paul L. Waldron, Esquire on Behalf of Additional Defendant, Dick Corporation filed by Paul L. Waldron, attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties by attorney for Additional Defendant.

January 23, 1989

Entry of Appearance of Paul L. Waldron, Esquire on Behalf of Additional Defendant, Novinger's, Inc. filed by Paul L. Waldron, attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

January 24, 1989

Acceptance of Service of Complaint to Join H.B. Alexander & Sons, Inc. received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant January 17, 1989.

January 25, 1989

Preliminary Objections of Additional Defendant Philip Brothers Electrical Contractors, Inc. filed by attorney for Additional Defendant (Philip). Copy forwarded to all parties by attorney for Additional Defendant.

CLOSED

January 25, 1989

Response of Department to Petition of McKamish-Chesapeake, Inc. for Intervention or Joinder or Other Relief filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

January 25, 1989

Praecipe for Rule to File Complaint filed by attorneys for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company and H.F. Lenz Company).

February 6, 1989

Entry of Appearance of Roger J. Peters, Esquire on behalf of Additional Defendant, Dick Corporation filed by Roger J. Peters, Esquire, attorney for Additional Defendant (Dick Corporation).

February 6, 1989

Response of McClure Company to New Matter of Commonwealth of Pennsylvania Department of General Services filed by attorney for Plaintiff. Copy forwarded to all parties by attorney for Plaintiff.

February 6, 1989

Preliminary Objections by H.B. Alexander & Son, Inc. to the Third-Party Complaint of Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant (H.B. Alexander & Son, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

February 8, 1989

The Board made the following Order: "AND NOW, this 8th day of February, 1989, upon Praecipe of Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company, a joint venture and H.F. Lenz Company, a corporation, a Rule is entered upon the Commonwealth of Pennsylvania, Department of General Services Defendant to file a complaint within twenty (20) days from the date of service of this Rule of suffer a judgment of non-pro in accordance with Rule of Civil Procedure." Copy forwarded to attorney for Additional Defendant (Celli-Flynn Associates/H.F. Lenz Company and H.F. Lenz Company)

CLOSED

February 8, 1989

Preliminary Objections of Novinger's, Inc. to Respondent's Complaint to Join as well as Brief in Support of Preliminary Objections of Novinger's, Inc. to Respondent's Complaint to Join Proposed Order filed by attorneys for Additional Defendant. Copy forwarded to all parties by attorney for Additional Defendant.

February 8, 1989

Preliminary Objections of Dick Corporation to Respondent's Complaint to Join as well as Brief in Support of Preliminary Objections of Dick Corporation to Respondent's Complaint to Join and Proposed Order filed by attorney for Additional Defendant. Copy forwarded to all parties by attorney for Additional Defendant.

February 10, 1989

Praecipe for Appearance of Counsel filed by Barbara Sumple-Sullivan, Esquire, attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

February 15, 1989

Praecipe of appearance of Bruce W. Ficken, Esquire, Thomas B. Schmidt, III, Esquire, and Donna L. Fisher, Esquire on behalf of H.B. Alexander & Sons, Inc. filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

February 16, 1989

Acceptance of Service of Order dated February 8, 1989 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company and H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant February 10, 1989.

February 22, 1989

The Board rendered an opinion and made the following Order: "On February 22, 1989, this 22nd day of February, 1989, the request of McKamish-Chesapeake, Inc. (MCI), to intervene as an Intervening Plaintiff is hereby **GRANTED**. The caption shall be amended as follows: McClure Company, Plaintiff and McKamish-Chesapeake, Inc., Intervening Plaintiff VS. Commonwealth of Pennsylvania, Department of General Services VS. Dick Corporation, Celli-Flynn & Associates/H.F. Lenz Company, H.B. Alexander & Sons, Inc., Novinger's, Inc. Phillips Brothers Electrical Contractors, Inc. Celli-Flynn & Associates and H.F. Lenz Company." Copy forwarded to attorneys for Plaintiff, attorney for Intervening Plaintiff, attorney for Defendant and courtesy copy to all additional Defendants.

February 24, 1989

Brief of Additional Defendant Philip Brothers Electrical Contractors in Support of Its Preliminary Objections filed by attorney for Additional Defendant. Copy forwarded to all parties by attorney for Additional Defendant.

February 24, 1989

Affidavit of Service of Rule to File Complaint, entered per Order of February 8, 1989, filed by attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company, a joint venture and Celli-Flynn & Associates, a partnership).

February 24, 1989

Sheriff's Return of Service of Original Process on Additional Defendant, Phillips Brothers Electrical Contractors, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

February 24, 1989

Commonwealth of Pennsylvania, Department of General Services' Answer to Preliminary Objections of H.B. Alexander & Son, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

February 27, 1989

Acceptance of Service of Opinion and Order dated February 22, 1989 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff February 23, 1989.

CLOSED
Acceptance of Service of Opinion and Order dated February 22, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 24, 1989.

March 8, 1989

Brief of Additional Defendant H.B. Alexander & Sons, Inc. in support of Its Preliminary Objections filed by attorney for Additional Defendant. Copy forwarded to all parties by attorney for Additional Defendant.

March 13, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Preliminary Objections of Additional Defendant Novinger's Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

March 13, 1989

Commonwealth of Pennsylvania, Department of General Services Brief in Opposition to Preliminary Objections of Additional Defendant Dick Corporation filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

March 17, 1989

Acceptance of Service of Opinion and Order dated February 22, 1989 received from attorney for Plaintiff (Kenneth I. Levin, Esquire). Receipt of same acknowledged by attorney for Plaintiff March 13, 1989.

March 20, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Preliminary Objections of Additional Defendant Phillips Brothers Electrical Contractors, Inc. filed by attorney for Defendant. Copy forwarded to all parties by Mr. Michael.

March 29, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Preliminary Objections of Additional Defendant H.B. Alexander & Son, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

Reply Brief of H.B. Alexander & Son, Inc. in Support of its Preliminary Objections filed by attorney for Additional Defendant (H.B. Alexander & Sons). Copy forwarded all parties by attorney for Additional Defendant.

May 1, 1989

Dick Corporation's Response to Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Preliminary Objections of Additional Defendant Dick Corporation filed by attorney for Additional Defendant Dick Corporation. Copy forwarded to all parties by attorney for Additional Defendant.

May 1, 1989

Novinger's, Inc.'s Response to Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Preliminary Objections of Additional Defendant Novinger's Inc. filed by attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

May 8, 1989

Commonwealth of Pennsylvania, Department of General Services' Motion to Disqualify the Law Firm of Pepper, Hamilton & Scheetz from Representing H.B. Alexander & Sons, Inc. and McClure Company filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

May 9, 1989

Commonwealth of Pennsylvania, Department of General Services' Motion to Consolidate Actions and Proposed Order filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

May 25, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Reply to Noring's, Inc.'s Response Brief filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

June 1, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Support of Motion to Disqualify the Law Firm of Pepper, Hamilton & Scheetz from Representing H.B. Alexander & Sons, Inc. and McClure Company filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

June 8, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of June, 1989, the request of the Additional Defendant, Dick Corporation, is hereby **DENIED**. The Additional Defendant, Dick Corporation, is granted thirty (30) days of the date of this Order to file responsive pleadings." Copy forwarded to attorneys for all parties.

June 8, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of June, 1989, the Preliminary Objections as filed by the Additional Defendant, H.B. Alexander & Sons, Inc., are **DENIED**. The Additional Defendant, H.B. Alexander & Sons, Inc., is given thirty (30) days from the date of this Order to file appropriate responsive pleadings." Copy forwarded to attorneys for all parties.

June 8, 1989

The Board rendered an Opinion and made the following Order: "**AND**

NOW, this 8th day of June, 1989, the Preliminary Objections as filed by the Additional Defendant, Novinger's, Inc., are hereby **DENIED**.

The Additional Defendant, Novinger's Inc. is given thirty (30) days from the date of this Order to file responsive pleadings." Copy forwarded to attorneys for all parties.

June 8, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of June, 1989, the Preliminary Objections as filed by the Additional Defendant, Phillips Brother's Electrical Contractors, Inc., are **DENIED**. The Additional Defendant, Phillips Bothers Electrical Contractors, Inc., is given thirty (30) days to file responsive pleadings in accordance with this Order." Copy forwarded to all parties.

June 8, 1989

Acceptance of Service of four (4) Opinions and Order dated June 8, 1989 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff June 12, 1989.

June 14, 1989

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 12, 1989.

June 15, 1989

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 13, 1989.

June 15, 1989

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant June 12, 1989.

June 19, 1989

Response of H.B. Alexander & Sons, Inc. to the Motion of Department of General Services to Consolidate Actions filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

June 23, 1989

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant June 21, 1989.

June 27, 1989

Joint Brief of H.B. Alexander & Sons, Inc. and McClure Company in Opposition to the Motion of Commonwealth of Pennsylvania, Department of General Services to Disqualify Pepper, Hamilton & Schetz filed by attorney for Plaintiff and Attorneys for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to attorneys for all parties.

June 30, 1989

Acceptance of Service of four (4) Opinions and Orders dated June 8, 1989 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant June 13, 1989.

July 7, 1989

Response of Dick Corporation to the Department of General Services' Motion to Consolidate filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties by attorney for Additional Defendant.

July 10, 1989

Answer and New Matter of Novinger's, Inc. to Commonwealth of Pennsylvania, Department of General Services' Complaint to Join Novinger's, Inc. filed by attorney for Additional Defendant (Novinger's, Inc.). Copy forwarded to attorneys for all parties by attorney for Additional Defendant.

July 10, 1989

Answer and New Matter of Dick Corporation to Commonwealth of Pennsylvania, Department of General Services' Complaint to Join Dick Corporation filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for all parties by attorney for Additional Defendant.

***July 13, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW,** this 13th day of July, 1989, the Motion for Consolidation, as filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, and as of this date the three matters to Docket Nos. 1235, 1300 and 1309 will advance forward as a consolidated case. All pleadings, depositions, and other discovery will contain the three numbered documents and all discovery will be considered interchangeable between each case, and at the time of trial all three cases will be tried simultaneously." Copy forwarded to attorneys for all parties.

July 13, 1989

Answer and New Matter of H.B. Alexander & Sons, Inc. to Third-Party Complaint of Commonwealth of Pennsylvania, Department of General Services' filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

July 17, 1989

Acceptance of Service of Opinion and Order dated July 13, 1989 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff July 14, 1989.

July 18, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Reply to the Joint Brief of H.B. Alexander & Sons, Inc. and McClure Company in Opposition to Motion to Disqualification of Pepper, Hamilton and Scheetz filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

July 18, 1989

Acceptance of Service of Opinion and Order dated July 13, 1989 received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant July 17, 1989.

July 18, 1989

Acceptance of Service of Opinion and Order dated July 18, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant July 17, 1989.

July 21, 1989

Acceptance of Service of Opinion and Order dated July 18, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 17, 1989.

July 28, 1989

Acceptance of Service of Opinion and Order dated July 18, 1989 received from attorney for Additional Defendant (Celi-Flynn & Associates/H.F. Lenz Company, Celi-Flynn & Associates, H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant July 21, 1989.

CLOSED

July 31, 1989

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of Additional Defendant Dick Corporation in Docket No. 1309 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

July 31, 1989

Commonwealth of Pennsylvania, Department of General Services' Reply to New matter of Novinger's, Inc. in Docket No. 1309 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

August 7, 1989

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of H.B. Alexander & Sons, Inc. in Docket No. 1303 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

August 7, 1989

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of H.B. Alexander & Sons, Inc. in Docket No. 1309 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

August 8, 1989

Praecipe for Withdrawal of Kenneth I. Levin, Esquire, Carolyn Warter Goff, Esquire and Michael A. Ceramella; and Appearance of James K. Thomas, Esquire, on behalf of McClure Company filed by attorney for Plaintiff. Copy forwarded to all parties.

August 16, 1989

Commonwealth of Pennsylvania, Department of General Services' Response to H.B. Alexander & Sons, Inc.'s June 6, 1989 Motion to Compel Answers to Interrogatories in Docket No. 1235 filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

CLOSED
August 22, 1989
The Board rendered an opinion and made the following Order: "On August 22, 1989, this 22nd day of August, 1989, the law firm of Pepper, Hamilton & Scheetz, on August 9, 1989 filed a Praecipe to Withdraw counsel for Plaintiff and Additional Defendant, McClure Company, Inc. On the same date, and as part of the above stated Praecipe, the law firm of Thomas & Thomas entered their appearance on behalf of Plaintiff and Additional Defendant, McClure Company, Inc. In light of the Entry of Appearance of Thomas & Thomas, the Motion to Disqualify the law firm of Pepper, Hamilton and Scheetz from representing H.B. Alexander & Sons, Inc. and McClure Company, Inc., as filed by the Commonwealth of Pennsylvania, Department of General Services, to have the law firm of Pepper, Hamilton & Scheetz removed as attorney for H.B. Alexander & Sons, Inc. and McClure Company, Inc. because of a possible conflict of interest, it hereby declared **MOOT**. The determination in this Opinion is that said Motion to Disqualify filed by the Commonwealth of Pennsylvania, Department of General Services, is hereby **DENIED**. The record shall show hereinafter that the law firm of Thomas & Thomas shall represent McClure Company, Inc. as Plaintiff and Additional Defendant." Copy forwarded to attorneys for all parties.

August 22, 1989

Praecipe for Writ to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, a Corporation and H.F. Lenz Company, a Corporation filed by attorney for Defendant.

August 22, 1989

Complaint to Join Novinger's, Inc. as an Additional Defendant in Docket No. 1235 filed by attorney for Defendant.

August 22, 1989

Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 filed by attorney for Defendant.

August 23, 1989

Novinger's, Inc. Motion for Summary Judgment in Docket No. 1309 and Brief in Support of Novinger's, Inc. Motion for Summary Judgment filed by attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to attorneys for all parties by attorney for Additional Defendant.

August 23, 1989

Dick Corporation's Motion for Partial Summary Judgment in Docket No. 1309 and Brief in Support of Dick Corporation's Motion for Partial Summary Judgment filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for all parties by attorney for Additional Defendant.

August 25, 1989

Copy of Complaint to Join Novinger's Inc., as an Additional Defendant in Docket No. 1235 and copies of Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 forwarded to attorney for Plaintiff, attorneys for Additional Defendants and Chief Deputy Attorney General.

August 25, 1989

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 23, 1989.

August 25, 1989

Acceptance of Service of Opinion and Order dated August 22, 1989 received from Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant August 24, 1989.

August 25, 1989

Writ to Join Additional Defendant Celli-Flynn & Associates/H.F. Lenz Company, a joint venture, Celli-Flynn & Associates, a corporation and H.F. Lenz Company, a corporation executed by Judge Pace.

August 28, 1989

Commonwealth of Pennsylvania, Department of General Services' Response to Dick Corporation's Request to the Board to Issue a Subpoena Duces Tecum to O'Brien-Kreitzberg & Associates, Inc. and a Subpoena to Thomas E. Coleman filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

August 28, 1989

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Intervening Plaintiff (McKamish). Receipt of same acknowledged by attorney for Intervening Plaintiff August 24, 1989.

CLOSED

August 29, 1989

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 received from attorney for Intervening Plaintiff (McKamish). Receipt of same acknowledged by attorney for Intervening Plaintiff August 28, 1989.

August 30, 1989

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 received from attorney for Additional Defendant (Dick). Receipt of same acknowledged by attorney for Additional Defendant August 28, 1989.

August 30, 1989

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Additional Defendant (Dick). Receipt of same acknowledged by attorney for Additional Defendant August 24, 1989.

August 31, 1989

Copy of Writ to Join Additional Defendant Celli-Flynn & Associates/H.F. Lenz Company, a joint venture, Celli-Flynn & Associates, a corporation and Lenz Company, a corporation, executed August 25, 1989 forwarded to all counsel of record.

September 1, 1989

Acceptance of Service of Complaint to Join Novinger's, Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 28, 1989.

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 1, 1989.

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Defendant (Phillips). Receipt of same acknowledged by attorney for Defendant September 1, 1989.

September 5, 1989

Letter entering appearance of Robert W. Doty and Andrew M. Roman as counsel for Department of General Services and withdrawing appearance of George M. Medved for Department of General Services filed by Gretchen L. Roos. Copy forwarded to all counsel of record by Gretchen L. Roos.

September 6, 1989

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989, received from attorney for Intervening Plaintiff (McKamish-Chesapeake, Inc.). Receipt of same acknowledged by attorney for Intervening Plaintiff September 5, 1989.

September 6, 1989

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant in Docket No. 1235, received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant August 29, 1989.

September 7, 1989

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 1, 1989.

September 8, 1989

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 5, 1989.

September 8, 1989

Acceptance of Service of Opinion and Order dated August 22, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 5, 1989.

CLOSED

September 8, 1989

Acceptance of Service of Opinion and Order dated August 25, 1989 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 5, 1989.

September 8, 1989

Motion to Discontinue the Commonwealth of Pennsylvania, Department of General Service's Complaints to Join as to Additional Defendant Phillips Brothers Electrical Contractors, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

September 12, 1989

Acceptance of Service of Complaint to Join Novinger's Inc. as an Additional Defendant in Docket No. 1235 and Complaint to Join McClure Company as an Additional Defendant (Celli-Flynn & Associates, H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant August 29, 1989.

September 14, 1989

Acceptance of Service of Writ to Join Additional Defendant dated August 25, 1989 received from attorney for Plaintiff (Dick Corporation). Receipt of same acknowledged by attorney for Plaintiff September 4, 1989.

September 20, 1989

Dick's Brief in Opposition to the Department's Request to Defer Issuance of Dick's Requested Subpoenas, and in Support of Dick's Request for Subpoenas and Alexander's Pending Motion to Compel Production of the Department's Documents filed by attorney for Plaintiff (Dick Corporation). Copy forwarded to all parties by attorney for Plaintiff.

September 22, 1989

Answer and New Matter of Novinger's Inc. to Commonwealth of Pennsylvania, Department of General Services' Complaint to Join Novinger's Inc. in Docket No. 1235 filed by attorney for Additional Defendants (Novingers). Copy forwarded to all counsel of record by attorney for Additional Defendant.

September 25, 1989

The Board rendered an Opinion and made the following Order: **AND NOW**, this 25th day of September, 1989, upon consideration of the various discovery motions filed by Dick Corporation, for the use of H.B. Alexander and Sons, Inc. (Claimant) and directed to the Commonwealth of Pennsylvania, Department of General Services (DGS), at Docket No. 1235, prior to consolidation of Docket Nos. 1235, 1303 and 1309, and upon review of correspondence from Claimant's counsel dated March 6, 1989, it is hereby **ORDERED** as follows: 1. The diary entries of Charles H. Gobin, Jr. either redacted or withheld by DGS from Claimant shall be provided to claimant. 2. Requested written and oral communications between department representatives and Mr. Gobin shall be provided by DGS to Claimant. 3. Any documents as defined by Pa. R.C.P. No. 4009, withheld by DGS shall be summarized in the form of a list, and each document so withheld will set forth (a) the date of the document, (b) the author of the document, (c) the recipient of document, and (d) the basis upon which or reason the document was withheld. 4. Full and complete responses to the second set of Interrogatories submitted by Claimant to DGS shall be filed. Any further information withheld shall set forth the specific reason as to why the information was withheld. 5. DGS shall not be required to file further response to Claimant's First Set of Interrogatories, which Claimant has agreed to hold in abeyance pending the responses to the Second Set of Interrogatories, filed on March 8, 1989. The Board will entertain appropriate motions for sanctions pursuant to Pennsylvania Rule of Civil Procedure No. 4019, if it appears there has not been (continued) compliance with this Order. A copy of this Order shall be served upon all litigants in the consolidated

September 25, 1989 (contd.)

action at Docket Nos. 1235, 1303 and 1309, and shall serve as notice to all parties that the discovery process shall proceed in a reasonable and orderly fashion pursuant to the Pennsylvania Rules of Civil Procedure. Unreasonable denials for information or documents, as well as unreasonable requests for information or documents, shall be met and dispensed with by the imposition of sanctions, including, in appropriate circumstances, awards of attorney's fees and costs." Copy forwarded to all parties of record.

September 25, 1989

Acceptance of Service of Writ to Join Additional Defendant dated August 23, 1989 received from attorney for Additional Defendant (Galli-Flynn Associates/H.F. Lenz Company). Receipt of same acknowledged by Additional Defendant September 21, 1989.

September 27, 1989

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant September 26, 1989.

September 29, 1989

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Intervening Plaintiff (McKamish-Chesapeake, Inc.). Receipt of same acknowledged by attorney for Intervening Plaintiff September 27, 1989.

September 29, 1989

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Plaintiff Dick Corporation of rthe us of H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Plaintiff September 27, 1989.

October 2, 1989

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of McClure Company, Inc. in Docket No. 1303 filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 3, 1989

Acceptance of Service of Opinion and Order dated September 25, 1989 received from attorney for Plaintiff (Dick Corporation). Receipt of same acknowledged by attorney for Plaintiff September 27, 1989.

October 11, 1989

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of Novinger's, Inc. in Docket No. 1235 filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 13, 1989

Acceptance of Service of Opinion and Order dated October 13, 1989 received from attorney for Additional Defendant (Celanese-Flynn & Associates/H.B. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant October 16, 1989.

CLOSED

October 27, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to the Motion for Summary Judgment of Additional Defendant Novinger's, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 27, 1989

Commonwealth of Pennsylvania, Department of General Services' Further Response to Request Number 21, of H.B. Alexander & Sons, Inc.'s Request for Production of Documents filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 27, 1989

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to the Motion for Partial Summary Judgment of Additional Defendant Dick Corporation filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 30, 1989

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to H.B. Alexander & Sons, Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 30, 1989

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to Dick Corporation filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 30, 1989

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to Novinger's Inc. filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 30, 1989

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to McClure Company filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

CLOSED

November 2, 1989

First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to McKamish-Chesapeake filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

November 8, 1989

Letter/Entry of Appearance of Christopher R. Opalinski, Esquire, (attorney for Defendant) filed by Gretchen L. Roos, Esquire. Copy forwarded to all parties by Gretchen L. Roos, Esquire.

November 13, 1989

Commonwealth of Pennsylvania, Department of General Services' Answers to H.B. Alexander & Sons, Inc.'s Second Set of Interrogatories filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

November 29, 1989

Dick Corporation's Reply Brief to Commonwealth of Pennsylvania Department of General Services' Brief in Opposition to Motion for Summary Judgment of Additional Defendant Dick Corporation filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff.

November 30, 1989

Novinger's Inc. Reply Brief to Commonwealth of Pennsylvania Department of General Services' Brief in Opposition to Motion for Summary Judgment of Additional Defendant Novinger's, Inc. filed by attorney for Additional Defendant. Copy forwarded to all parties by attorney for Additional Defendant.

December 4, 1989

Response of H.B. Alexander & Sons's, Inc. to First Request for Production of Documents of Respondent Commonwealth of Pennsylvania, Department of General Services to H.B. Alexander & Sons, Inc. filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all parties of record by attorney for Additional Defendant.

December 4, 1989

Motion of H.B. Alexander & Sons, Inc. for Sanctions and To Compel Compliance With This Board's Order of September 25, 1989 filed by attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Copy forwarded to all counsel of record by attorney for Additional Defendant.

December 20, 1989

Commonwealth of Pennsylvania, Department of General Services' Reply to New Matter of McClure Company, Inc. in Docket No. 1235 filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

December 27, 1989

Novinger's Inc. Motion for Summary Judgment in Docket No. 1235 and Brief in Support of Novinger's, Inc. Motion for Summary Judgment filed by attorney for Plaintiff (for Dick Corporation). Copy forwarded to all counsel of record by attorney for Plaintiff.

January 5, 1990

Response of Commonwealth of Pennsylvania, Department of General Services to H.B. Alexander & Sons, Inc.'s Motion for Sanctions and to Compel Compliance with the Board of Claims' Order of September 25, 1989 filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

January 29, 1990

Motion for in Camera Review of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant (Novinger's, Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

January 29, 1990

Brief in Support of Motion for In Camera Review of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania Department of General Services filed by attorney for Additional Defendant (Novinger's, Inc.). Copy forwarded to all parties of record by attorney for Additional Defendant.

CLOSED
March 2, 1990
List of Documents that Dick Corporation has withheld from document production as privileged matter filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for all parties of record by attorney for Additional Defendant (Dick Corporation).

March 12, 1990

Response of Commonwealth of Pennsylvania, Department of General Services to Dick Corporation's Motion for In Camera of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania, Department of General Services filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

April 13, 1990

Reply of Dick Corporation to the Response of Commonwealth of Pennsylvania, Department of General Services, to Dick Corporation's Motion for In Camera Review of All Documents Withheld as Privileged by the Commonwealth of Pennsylvania, Department of General Services file by attorneys for Additional Defendant (Dick Corporation) and attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to attorneys for all parties by attorneys for Additional Defendant (Dick Corporation) and attorney for Additional Defendant (Novinger's, Inc.).

April 30, 1990

The Board rendered an Opinion and made the following Order: "AND NOW, this 30th day of April, 1990, the Defendant, Department of General Services, is given 20 days from the date of this Order to file its Complaint against the Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, a corporation and H.F. Lenz Company, a corporation. If said Complaint is not filed within said period of time, the Court sua sponte will revoke the original Writ to Join and the Defendant will be barred from bringing any action against the Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company, a joint venture, Celli-Flynn & Associates, a corporation and H.F. Lenz Company, a corporation." Copy forwarded to all parties of record.

May 1, 1990

The Board made the following Order: "On January 17, 1990 the Board received a letter over the signature of Andrew M. Roman, counsel for the Defendant, Department of General Services and the Phillips Brothers Electrical Contractors, Inc. had agreed upon a settlement of all claims between the two parties arising out of the capitol addition project. On September 8, 1989, again over the signature of Andrew M. Roman, counsel for the Defendant, the Department of General Services, the Board was alerted to a Motion to Discontinue the Commonwealth of Pennsylvania, Department of General Services' Complaints to Join as to Additional Defendant, Phillips Brothers Electrical Contractors, Inc. Accompanying that request was a Proposed Order for the Board's signature basically granting the request as set forth in the Motion. It is the duty of the Board to hold hearings pertaining to settlements, thereby placing on record the settlements entered into between Commonwealth and named Plaintiffs, as they are reflected in various suits that are filed before the Board, wherein settlements are arrived at through the negotiations of both parties. The Board has received correspondence from counsel for Defendant, Department of General Services, requesting that the Board waive this requirement, as it may pertain to this settlement, due to the complexity of allied litigation. The Board is sympathetic towards the Defendant's request and can appreciate the strength of the arguments set forth by the Defendant, Department of General Services. However, the ultimate payer in all these matters is the taxpayers of the Commonwealth of Pennsylvania and settlement should be made part of the record, that can be reviewed if such requests are made. It is the Board's opinion that it cannot sacrifice the interest of the taxpayers in this matter. Accordingly, the Board will schedule, within the immediate future, a hearing wherein the settlement as it

May 2, 1990 (contd.)

is reflected in the above stated matter will be made part of the record. The Board further **ORDERS** that the hearing will be a private hearing. It will not be open to anyone, except counsel for the named parties and necessary witnesses. The Board further **ORDERS** that the record of the settlement will be impounded and will not be made public until this entire matter has been satisfied and notice of such satisfaction has been properly entered upon the record. Thereafter, the Department of General Services or Phillips Brothers Electrical Contractors, Inc. may, by Praecept, request the Withdrawal of such impoundment of the settlement record or the Board of Claims may, sua sponte, make the settlement record public. Dated: May 2, 1990."

Copy forwarded to all parties of record

May 2, 1990

Acceptance of Service of Opinion and Order dated April 30, 1990 received from Intervening Plaintiff (Mormis Chesapeake, Inc.). Receipt of same acknowledged by Intervening Plaintiff May 3, 1990.

May 7, 1990

Acceptance of Service of Opinion and Order dated April 2, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 3, 1990.

May 7, 1990

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant May 4, 1990.

May 9, 1990

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 8, 1990.

May 9, 1990

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 7, 1990.

May 10, 1990

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant May 7, 1990.

May 10, 1990

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for Plaintiff (McClure Company). Receipt of same acknowledged by attorney for Plaintiff May 7, 1990.

May 11, 1990

The Board rendered an Opinion and made the following Order: **AND NOW**, this 11th day of May, 1990, the request of Novinger's Inc. in the nature of a Motion for Summary Judgment is hereby **DENIED**." Copy forwarded to all parties of record.

CLOSED

May 11, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 11th day of May, 1990, the request of the Plaintiff, Dick Corporation, in the nature of a Motion for Partial Summary Judgment is hereby **DENIED**." Copy forwarded to all parties of record.

May 15, 1990

Motion for Modification of Board's April 30, 1990 Order Regarding of Complaints Against Additional Defendant and Proposed Order filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

May 15, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake, Inc.). Receipt of same acknowledged by Intervening Plaintiff May 14, 1990.

May 15, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 14, 1990.

May 16, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 15, 1990.

May 16, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Defendant May 15, 1990.

May 17, 1990

Acceptance of Service of Opinion and Order dated April 30, 1990 received from attorney for attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 16, 1990.

CLOSED

May 18, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 18th day of May, 1990, the request of Novinger's, Inc. in the nature of a Motion for Summary Judgment is hereby **DENIED."** Copy forwarded all parties of record.

May 18, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 16, 1990.

May 18, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 18th day of May, 1990, the request of the Defendant, Commonwealth of Pennsylvania, Department of General Services, to file its Complaint against the Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company is extended to June 21, 1990. If a Complaint is not filed on that date, the Board, sua sponte, will **DISMISS** its former Order allowing the naming of this Defendant as an Additional Defendant." Copy forwarded to all parties of record.

May 21, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant May 18, 1990.

May 21, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Additional Defendant (McClure Company). Receipt of same acknowledged by attorney for Additional Defendant May 14, 1990.

May 21, 1990

Acceptance of Service of Opinion and Order dated May 11, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 14, 1990.

CLOSED

May 21, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

May 22, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake). Receipt of same acknowledged by attorney for Intervening Plaintiff May 21, 1990.

May 23, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake). Receipt of same acknowledged by Intervening Plaintiff May 21, 1990.

May 23, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 21, 1990.

May 23, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 21, 1990.

May 23, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

May 23, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

CLOSED

May 23, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant May 21, 1990.

June 4, 1990

Motion to Clarify the May 11, 1990 Order on Motion for Partial Summary Judgment as filed in Dick Corporation (1309) filed by attorney for Additional Defendant (Novinger's Inc.). Copy forwarded to all parties by attorney for Additional Defendant.

June 11, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Additional Defendant (Celli-Flynn and Associates). Receipt of same acknowledged by attorney for Additional Defendant June 7, 1990.

June 21, 1990

Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company filed by attorney for Defendant.

July 2, 1990

Copy of Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company forwarded to attorneys for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company) and Chief Deputy Attorney General.

July 2, 1990

Acceptance of Service of Opinion and Order dated May 18, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 28, 1990.

July 9, 1990

Acceptance of Service of Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 9, 1990.

CLOSED

July 12, 1990

Interrogatories of Dick Corporation Addressed to the Commonwealth of Pennsylvania, Department of General Services - Set I filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties by attorney for Additional Defendant.

July 13, 1990

Acceptance of Service of Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, a Joint Venture, Celli-Flynn & Associates, and H.F. Lenz Company received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant July 9, 1990.

July 25, 1990

Petition for Extension of Time and Proposed Order filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to attorney for all parties of record by attorney for Additional Defendant.

August 7, 1990

The Board made the following Order: "AND NOW, this 7th day of August, 1990, upon review of the Petition for Extension of Time, to file a responsive pleading, filed on behalf of Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company, has forty-five (45) days from the date of this Order to file its responsive pleading to the Commonwealth of Pennsylvania, Department of General Services' Complaint to Join." Copy forwarded to attorneys for all parties.

August 14, 1990

Acceptance of Service of Order dated August 7, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant August 14, 1990.

August 16, 1990

Acceptance of Service of Order dated August 7, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant August 14, 1990.

August 16, 1990

Acceptance of Service of Order dated August 7, 1990 received from attorney for Intervening Plaintiff (McKamish-Chesapeake). Receipt of same acknowledged by attorney for Intervening Plaintiff August 14, 1990.

August 17, 1990

Acceptance of Service of Order dated August 7, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 1990.

August 20, 1990

Acceptance of Service of Order dated August 7, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant August 13, 1990.

August 20, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of August, 1990, the request of Dick Corporation, in the Nature of a Motion to Clarify the Opinion of May 11, 1990, is **DENIED**." Copy forwarded to attorneys for all parties.

August 21, 1990

Acceptance of Service of Order dated August 7, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 16, 1990.

August 23, 1990

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Additional Defendant (H.B. Alexander). Receipt of same acknowledged by attorney for Additional Defendant August 21, 1990.

CLOSED

August 23, 1990

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant August 21, 1990.

August 24, 1990

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant August 22, 1990.

August 24, 1990

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff August 21, 1990.

August 27, 1990

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 22, 1990.

August 27, 1990

Acceptance of Service of Opinion and Order dated August 20, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 22, 1990.

September 12, 1990

Preliminary Objections of Additional Defendant, Celli-Flynn & Associates/H.F. Lenz Company and Brief of Additional Defendant, Celli-Flynn Associates/H.F. Lenz Company in Support of its Preliminary Objections filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

CLOSED
October 5, 1990
Consent Motion for Extension of Time to File Brief in Response to Celli-Flynn & Associates' Preliminary Objections to the Complaints to Join filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

October 15, 1990

Hearing scheduled for April 2 through 5, 1991; April 9 through 12, 1991; April 16 through 19, 1991; April 23 through 26, 1991, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

October 19, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of October, 1990, upon review of the docket entries in this matter, the request made in the formal consent Motion is **GRANTED**. The Board directs the Department of General Services to file its Brief in response to Celli-Flynn & Associates' Preliminary Objections to the Complaints to Join on or before November 14, 1990.

Be advised that this case and all of the matters which have been consolidated is scheduled for trial. Nothing shall be permitted to impede the hearing on this matter on the merits." Copy forwarded to all parties of record.

October 24, 1990

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant October 22, 1991.

October 24, 1990

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 22, 1991.

October 24, 1990

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant October 22, 1991.

October 25, 1990

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant October 22, 1991.

CLOSED

October 26, 1990

Acceptance of Service of Opinion and Order dated October 19, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 22, 1991.

October 31, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW, this 31st day of October, 1990, the request of the Additional Defendant, wherein the Complaint would be dismissed because of lack of jurisdiction is hereby DENIED. Paragraphs 16, 17 and 19 of the Complaint against Additional Defendant is hereby STRICKEN. Paragraph 18 of the Complaint against the Additional Defendant is modified in accordance with this Order by striking from the Complaint the words, 'and negligence'. The request of the Additional Defendant in the nature of a more specific Complaint is DENIED. The Additional Defendant is directed to file responsive pleadings in accordance with this Order within thirty (30) days of the date thereof."** Copy forwarded to all parties of record.

November 1, 1990

Notice of Deposition of Dick Corporation filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

November 5, 1990

Notice of Deposition of H.B. Alexander & Sons, Inc. filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

November 5, 1990

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Additional Defendant (Phillips Brothers).

Receipt of same acknowledged by attorney for Additional Defendant November 1, 1990.

November 5, 1990

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff November 1, 1990.

November 5, 1990

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 2, 1990.

November 5, 1990

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 2, 1990.

November 5, 1990

Acceptance of Service of Opinion and Order dated October 31, 1990 received from attorney for Additional Defendant (Dick Corporation).

Receipt of same acknowledged by attorney for Additional Defendant November 2, 1990.

***November 13, 1990**

Praecipe for Appearance filed by David A. Neely, Esquire, attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

November 15, 1990

Motion for Extension of Time to Join an Additional Defendant and Proposed Order of Court filed by attorney for Additional Defendant (Kenneth Parker & Associates, Inc.). Copy forwarded to all counsel of record by attorney for Additional Defendant. (As filed in Docket No. 1309).

December 3, 1990

Answer and New Matter filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

December 7, 1990

Commonwealth of Pennsylvania, Department of General Services' Motion to Compel Production of Documents by Dick Corporation and Newinger, Inc. and Proposed Order filed by attorneys for Defendant. Copy forwarded to all counsel of record by attorneys for Defendant.

CLOSED

December 7, 1990

Commonwealth of Pennsylvania, Department of General Services' Motion, in Docket No. 1303, for Leave to Assert a Counterclaim Against Dick Corporation and to Amend its Complaint to Join Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company as an Additional Claim filed by attorneys for Defendant. Copy forwarded to all counsel of record by attorneys for Defendant.

December 10, 1990

Notice of Depositions of Dean Badorf, William E. McClure, George Voyakovich, Donald Badorf, Lee Mentzer, William H. Alexander, Edward Lynch, Sr., John D. McFarland, Eugene Barber, George Kiskak, Robert Duvuvei, Donald Tabasco, Robert Hockmouth, Jeff Russell, Gene Krout, William Barrett, Robert Allison, Kenneth Mathews, Jon Mitorich, Thomas Celli, Sidney J. Myers, Eldon Davidheizer, Roy Kelly, Mary T. Jewel, Cheryl Rhome filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorneys for Additional Defendants.

December 17, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 17th day of December, 1990, the Board confirms its oral Stay Order issued on December 12, 1990, and **DIRECTS** that the Stay be in full force and effect until January 11, 1991. During the interim, counselors for the parties are advised that the senior counsel of the Board and the members and staff of the Board of Claims shall be in contact with counselors representing parties to ascertain dates convenient for the taking of the depositions, and to ascertain who shall participate at that time. Also, the Department of General Services shall be requested to review the large list of those individuals to be deposed to ascertain if it is necessary that they be deposed, or if some is a fishing expedition. The Board will inquire as to the seriousness and need to depose all of these persons. This matter will have to be resolved to the satisfaction of all parties."

CLOSED

Motion to Dismiss and Brief in Support of Motion to Dismiss filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

December 19, 1990

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant December 17, 1990.

December 19, 1990

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff December 17, 1990.

December 24, 1990

Reply of Department of General Services to New Matter of Celli-Flynn & Associates/H.F. Lenz Company filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

December 27, 1990

Objeciton of Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H. F. Lenz Company to the Commonwealth of Pennsylvania, Department of General Services' Motion for Leave to Amend its Complaint to Join to Assert an Additional Claim filed by attorney for Additional Defendant (Celli-FLynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

December 27, 1990

Acceptance of Service of Opinion and Ordaer dated December 14, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 27, 1990.

December 28, 1990

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 28, 1990.

January 7, 1991

Reply of H.B. Alexander & Sons, Inc. to New Matter of Celli-Flynn & Associates/H.F. Lenz Company filed Pursuant to Pa. R.C.P. 2252 (d) filed by attorney for Additional Defendant (H.B. Alexander & Sons). Copy forwarded to all counsel of record by attorney for Additional Defendant.

January 10, 1991

Respondent's Brief in Opposition to Additional Defendant's Motion to Dismiss filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 17, 1991

Reply of Dick Corporation to Commonwealth of Pennsylvania, Department of General Services' Motion to Compel Production of Documents by Dick Corporation and Novinger's, Inc. filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

January 22, 1991

Proposed Order of Court requesting Board's Order of October 31, 1990 amended filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

January 22, 1991

Objection of Dick Corporation to Commonwealth of Pennsylvania, Department of General Services' Motion for Leave to Amend its Complaint to Assert an Additional Claim filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

CLOSED
January 28, 1991
The Board rendered an opinion and made the following Order: "AND NOW, this 28th day of January, 1991, the request of the Department of General Services to amend its Complaint against the Additional Defendant, Celli-Flynn & Associates, H.F. Lenz Company, is DENIED." Copy forwarded to all counsel of record.

January 28, 1991

Acceptance of Service of Opinion and Order dated December 14, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant December 18, 1991.

January 30, 1991

Dick Corporation's Motion for a Protective Order to Prohibit the Commonwealth of Pennsylvania, Department of General Services from Deposing Kevin Mathews and Jon Mitovich filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties of record by attorney for Additional Defendant.

February 4, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 29, 1991.

February 4, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Phillips Brothers Electrical Contractors, Inc.). Receipt of same acknowledged by attorney for Additional Defendant January 28, 1991.

February 5, 1991

The Board rendered an Opinion and made the following Order: "AND NOW, this 5th day of February, 1991, Dick Corporation's Motion for Protective Order to Prohibit the Commonwealth of Pennsylvania, Department of General Services from Deposing Keving Mathews and Jon Mitovich outside the State of Pennsylvania with ample notice is **GRANTED**. Said Protective Order shall be strictly enforced and sanctions shall be issued if violated." Copy forwarded to attorneys for all parties.

February 6, 1991

Letter/Withdrawal of the Motion for Leave to Assert the Counterclaim against Dick Corporation filed by attorney for Defendant (via fax). Copy forwarded to all parties of record by attorney for Defendant.

February 7, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (KPI Design Group). Receipt of same acknowledged by attorney for Additional Defendant January 31, 1991.

February 7, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Celli-Flynn Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant January 30, 1991.

February 7, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 30, 1991.

February 7, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff January 30, 1991.

February 7, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff February 6, 1991.

February 11, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant January 30, 1991.

February 11, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant February 5, 1991.

February 13, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant February 7, 1991.

CLOSED

February 13, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant February 6, 1991.

February 13, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Proposed Additional Defendant (KPA Design Group). Receipt of same acknowledged by attorney for Proposed Additional Defendant February 8, 1991.

February 13, 1991

Notice of Service of Interrogatories Directed to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Copy forwarded to all parties of record by attorney for Additional Defendant.

February 15, 1991

Dick Corporation's Motion to Dismiss the Commonwealth of Pennsylvania, Department of General Services' Third Party Complaint to Join Dick Corporation as an Additional Defendant at Docket No. 1309 as well as Brief in Support of Dick Corporation's Motion to Dismiss filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all parties by attorney for Additional Defendant.

February 15, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant undated.

CLOSED

February 19, 1991

Letter/Withdrawal of the Motion for Leave to Assert the Counterclaim against Dick Corporation filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

February 19, 1991

Acceptance of Service of Opinion and Order dated January 28, 1991 recieved from attorney for Additional Defendnat (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant January 29, 1991.

February 19, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 7, 1991.

February 19, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 19th day of February, 1991, the Motion of Celli-Flynn & Associates/H.F. Lenz Company, requesing an extension of time will be held as **MOOT** and the Answer, thereto, as filed by KPA Design Group, will also be held as **MOOT.**" Copy forwarded to all parites.

February 20, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant February 9, 1991.

February 20, 1991

Objections of Department of General Services to Interrogatories filed by Celli-Flynn & Associates/H.F. Lenz Company, filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

February 22, 1991

CLOSED
CFA/HFL's Joinder in Dick Corporation's Motion to Compel the Commonwealth of Pennsylvania Department of General Services' to Answer Dick Corporation's Interrogatories - Set I filed by attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Copy forwarded to all parties by attorney for Additional Defendant.

February 22, 1991

CFA/HFL's Joinder in Dick Corporation's Motion for in Camera Review of all Documents withheld as Privileged by the Commonwealth of Pennsylvania Department of General Services and Brief in Support thereof filed by attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Copy forwarded to all counsel of record by attorney for Additional Defendant.

February 25, 1991

Acceptance of Service of Opinion and Order dated February 5, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 14, 1991.

February 25, 1991

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Defendant February 21, 1991.

February 25, 1991

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Additional Defendant (KPA Design Group in Docket No. 1301). Receipt of same acknowledged by attorney for Additional Defendant February 21, 1991.

February 25, 1991

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 22, 1991.

February 25, 1991

Department of General Services' Interrogatories Directed to Celli-Flynn & Associate/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company (CFA/HFL) Re: Expert Witnesses as well as Department of General Services' Interrogatories Directed to Dick Corporation Re: Expert Witnesses filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

February 27, 1991

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant February 22, 1991.

February 28, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of February, 1991, the request of the Defendant for leave to withdraw its request to file a Counterclaim against Dick Corporation is hereby **GRANTED**." Copy forwarded to attorneys for all parties.

February 28, 1991

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 25, 1991.

March 1, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 1st day of March, 1991, it is **ORDERED** and **DECREED** that an Exploratory Hearing be held at 10:00 a.m., March 5, 1991, in Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania. It is further **ORDERED** and **DECREED** that the terms and conditions of said settlement(s) shall be impounded until deposition of the entire case." Copy forwarded to all counsel of record.

March 1, 1991

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant February 21, 1991.

CLOSED

Acceptance of Service of Opinion and Order dated February 19, 1991 received from attorney for Intervening Plaintiff in Docket No. 1309. Receipt of same acknowledged by attorney for Intervening Plaintiff February 22, 1991.

March 4, 1991

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 1, 1991.

March 5, 1991

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

March 5, 1991

Entry of Appearance filed by John H. Tracy, Esquire and John F. Myers, Esquire attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 5, 1991

Pursuant to scheduled Exploratory Hearing held before the Board of Claims on March 5, 1991 submitted by Defendant was a Proposed Order establishing Settlement Agreements on behalf of Phillips Brothers Electrical Contractors, Inc., McClure Company and H.B. Alexander & Sons, Inc.

March 6, 1991

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 4, 1991.

March 6, 1991

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 4, 1991.

CLOSED

March 6, 1991

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 6, 1991

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons, Inc.). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 6, 1991

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 2, 1991.

March 6, 1991

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 7, 1991

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 7, 1991

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 7, 1991

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 7, 1991

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 8, 1991

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 5, 1991.

March 8, 1991

Acceptance of Service of Opinion and Order dated March 1, 1991 received from attorney for attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 4, 1991.

March 8, 1991

Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Additional Defendant Dick Corporation's Motion to Dismiss (relevant to No. 1309 only) filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

March 8, 1991

Commonwealth of Pennsylvania, Department of General Services' Answers and Objections to Dick Corporation's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

March 12, 1991

Copy of Dick Corporation's Motion in Limine, for Sanctions and an Order of Judgment of Non Pros against the Commonwealth of Pennsylvania, Department of General Services for Delay in Answering Dick Corporation's Interrogatories - Set I Including the Subject Matter of Expert Testimony and Brief in Support of filed by attorney for Additional Defendant (Dick Corporation) (via FAX). Copy forwarded to all counsel of record by attorney for Defendant.

March 12, 1991

Letter faxed to attorney for all parties relative to Mark Mascarda, Esquire reviewing documents claimed to be privileged beginning at 10:00 a.m. on March 14, and 15, 1991, if necessary, in Mr. Doty's office at Eckert Seamans Cherin & Mellot, 600 Grant Street, Pittsburg, Pennsylvania 15219.

March 13, 1991

Acceptance of Service of Opinion and Order dated February 28, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates). Receipt of same acknowledged by attorney for Additional Defendant March 4, 1991.

March 13, 1991

Dick Corporation's Motion in Limine, for Sanctions and an Order of Judgment of Non Pros against the Commonwealth of Pennsylvania, Department of General Services for Delay in Answering Dick Corporation's Interrogatories-Set I including the Subject Matter of Expert Testimony and Brief in Support of filed by attorney for Additional Defendant (Novinger's, Inc.). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 13, 1991

Objections of Department of General Services to Interrogatories filed at Docket No. 1309 by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

March 14, 1991

Copy of testimony of Memorialization held March 5, 1991 forwarded to attorney for Defendant.

March 14, 1991

Meeting held in Mr. Doty's Office in Pittsburgh, Pennsylvania to review documents claimed to be privileged, beginning at 10:00 a.m. Review completed.

March 20, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of March, 1991, the request of the Commonwealth of Pennsylvania, Department of General Services directed to Dick Corporation to produce various documents in accordance with the Department's request is hereby **DENIED**. If this request is not fulfilled within five (5) days of the date of this Order, Dick will be prevented from entering any evidence that would have any bearing whatsoever, and no matter how slight, to the documents that Dick refused to produce." Copy forwarded to all counsel of record.

March 20, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of March, 1991, it is hereby **ORDERED** and **DECREEED** that the Motion as filed by Dick Corporation is hereby **DENIED**. It is further **ORDERED** and **DECREEED** that Dick Corporation, should it so desire, shall have the right to make oral arguments at the start of the Evidentiary Hearing on the validity of its Motion. Defendant, of course, shall also have the right to argue its position. It is further **ORDERED** and **DECREEED** that the Defendant, Department of General Services, shall furnish the Plaintiff with the individual name and address of each expert witness it intends to use at trial. Plaintiff shall have the right to depose those expert witnesses and those which are not deposed prior to trial shall not be permitted to testify at the evidentiary hearing." Copy forwarded to all counsel of record.

March 20, 1991

Dick Corporation's Reply to the Commonwealth of Pennsylvania, Department of General Services' Brief in Opposition to Dick Corporation's Motion to Dismiss the Department's Third Party Complaint to Join Dick Corporation as an Additional Defendant at Docket No. 1309 (relevant to 1309 only) filed by attorney for Additional Defendant (Dick Corporation).

March 20, 1991

Motion to Compel the DGS to Answer Interrogatories of CFA/HFL and Motion for Sanctions filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to attorney for Additional Defendant (Dick Corporation), attorney for Defendant and attorney for Additional Defendant in No. 1303 (KPA Design Group).

March 21, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of March, 1991, the request of Dick in the nature of a Motion to Dismiss the Commonwealth of Pennsylvania, Department of General Services' Third Party Complaint to join Dick Corporation as an Additional Defendant at Docket No. 1303 is hereby **DENIED**." Copy forwarded to all counsel of record.

CLOSED

March 21, 1991

Answer to the Department of General Services' Objections to Interrogatories filed by CFA/HFL in the form of a Motion to Compel the DGS to Answer CFA/HFL's Interrogatories or, in the Alternative, a Motion for Sanctions filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to attorney for Additional Defendant (Dick Corporation), attorney for Defendant and attorney for Additional Defendant in No. 1303 (KPA Design Group).

March 21, 1991

Acceptance of Service of Testimony for exploratory memorialization held March 5, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 18,, 1991.

March 21, 1991

Dick Corporation's Motion for Sanctions Against the Commonwealth of Pennsylvania, Department of General Services for Failure to Sufficiently Answer Dick Corporation's First Set of Interrogatories filed by attorney for Plaintiff (via fax). Copy forwarded to all counsel of record by attorney for Plaintiff.

March 22, 1991

Dick Corporation's Answers to Interrogatories of Additional Defendant, KPA Design Group, Inc. filed by attorney for Additional Defendant (Dick Corporation) (relevant to No. 1309 only). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 22, 1991

Dick Corporation's Motion for Sanctions Against the Commonwealth of Pennsylvania, Department of General Services for Failure to Sufficiently Answer Dick Corporation's First Set of Interrogatories filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 22, 1991

Letter/Response to Request for Production of Documents of Additional Defendant, DPA Design Group, Inc. to Claimant Dick Corporation received from attorney for Additional Defendant (Dick Corporation) (via fax). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 22, 1991

Department of General Services Brief in Opposition to Motion to Compel Answers to Interrogatories filed by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company at Docket No. 1309 filed by attorney for Defendant. Copy forwarded to all counsel of record by attorney for Defendant.

March 25, 1991

Motion to Rescue Mr. Miller from sitting at the trial of Additional Defendants, Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, H.F. Lenz Company filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 25, 1991

Objections to the Department of General Services' Interrogatories Directed to Celli-FLynn & Associates/H.F. Lenz Company, Celli-FLynn & Associates and H.F. Lenz Company filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all parties of record by attorney for Additional Defendant.

March 25, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Phillips Brothers). Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

March 25, 1991

Acceptance of Service of Opinion and Order dated March 22, 1991 received from attorney for Additional Defendant (Phillips Brothers).
Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

March 26, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Dick Corporation).
Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

March 26, 1991

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 22, 1991.

CLOSED

March 26, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff March 22, 1991.

March 26, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Celli-Flynn & Associates/H.F. Lenz Company). Receipt of same acknowledged by attorney for Additional Defendant March 22, 1991.

March 26, 1991

Notice to Attend Directed to Dick Corporation filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 26, 1991

Notice to Attend filed by attorney for Additional Defendant (Celli-Flynn & Associates). Copy forwarded to all counsel of record by attorney for Additional Defendant.

March 27, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Phillips Brothers).
Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

March 27, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 22, 1991.

March 27, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

March 27, 1991

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

CLOSED

March 28, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 28th day of March, 1991, it is **ORDERED** and **DECREED** that the Department of General Services shall produce Mr. James O'Brien in Harrisburg, Pennsylvania, on Monday, April, 1991 for the purpose of being deposed by opposing counsel. Should this Order not be complied with, the said Mr. James O'Brien will not be permitted to testify on behalf of the Department of General Services during the trial which begins on April 2, 1991." Copy forwarded to all parties of record.

March 28, 1991

Objections of Department of General Services to Interrogatories filed at Docket No. 1235 by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company filed by attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant March 25, 1991.

March 28, 1991

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 26, 1991.

March 28, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 25, 1991.

March 29, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of March, 1991, it is **ORDERED** and **DECREED** that the Department of General Services is indebted unto Phillips Brothers Electrical Contractors, Inc. in the full and true sum of Four Hundred Eighty-Six Thousand Thirty-Three Dollars and Eighty-Seven Cents (\$486,033.87). It is noted in accordance with this Order that this figure has already been paid by the Department of General Services to Phillips Brothers Electrical Contractors, Inc. It is further **ORDERED** and **DECREED** that the Defendant, Department of General Services, is indebted unto H.B. Alexander & Sons, Inc. in the full and true sum of Two Million Seven Thousand Dollars (\$2,070,000.00), same to be paid within Forty-Five (45) days of the signing of the Settlement Agreement of February 28, 1991. It is further **ORDERED** and **DECREED** that the Department of General Services is indebted unto McClure Company in the full and true sum of Seven Hundred Forty-Eight Thousand Dollars (\$748,000.00). Upon receipt of said awards, Plaintiffs are to file with the Board a Praecipe, stating that the monies have been paid by the Department. Each party to bear its own costs." Copy forwarded to attorneys for Phillips Brothers Electrical Contractors, Inc., H.B. Alexander & Sons, Inc. and McClure Company via Fax and U.S. Mail.

March 29, 1991

Memorandum of Commonwealth of Pennsylvania, Department of General Services in Opposition to Additional Defendant CFA/HFL's Motion to Recuse filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

April 1, 1991

Motion to Dismiss Claim of Additional Defendant Celli-Flynn & Associates vs. Additional Defendant Phillips Brothers Electrical Contractors, Inc. filed by attorney for Additional Defendant (Phillips Brothers). Copy forwarded to all parties of record by attorney for Additional Defendant.

April 1, 1991

Reply of Additional Defendant Phillips Brothers Electrical Contractors, Inc. to New Matter of Additional Defendant Celli-Flynn & Associates filed by attorney for Additional Defendant (Phillips Brothers). Copy forwarded to all counsel of record by attorney for Additional Defendant.

April 1, 1991

Brief in Support of Additional Defendant's Phillips Brothers Electrical Contractors, Inc., Motion to Dismiss Third Party Claims of Additional Defendant Celli-Flynn filed by attorney for Additional Defendant (Phillips Brothers). Copy forwarded to all parties of record by attorney for Additional Defendant.

CLOSED

April 1, 1991

Notice to Attend filed by attorney for Additional Defendant (Dink Corporation). Copy forwarded to all counsel of record by attorney for Additional Defendant.

April 2, 1991

Stipulation to Dismiss (Celli-Flynn & Associates & H.B. Alexander & Sons) and Proposed Order filed by parties, executed by Judge Pace at time of hearing. The following Order is rendered: **"AND NOW,** this 2nd day of April, 1991, the stipulation of the parties is hereby entered as an order of this Board. Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, and H.F. Lenz Company, and H.B. Alexander & Sons, Inc., by their undersigned counsel, stipulate and agree that the crossclaims filed by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, and H.F. Lenz Company against H.B. Alexander & Sons, Inc. are hereby dismissed with prejudice."

April 2, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 27, 1991.

April 2, 1991

Acceptance of Service of Opinion and Order dated March 21, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 27, 1991.

April 2, 1991

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Intervening Plaintiff. Receipt of same acknowledged by attorney for Intervening Plaintiff April 1, 1991.

April 2, 1991

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

April 2, 1991

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Additional Defendant (H.B. Alexander & Sons). Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

CLOSED

April 2, 1991

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 29, 1991.

April 2, 1991

Hearing held this date in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case concluded at 3:25 p.m. and continued until Wednesday, April 3, 1991.

April 3, 1991

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

April 3, 1991

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 2, 1991.

April 3, 1991

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 2, 1991.

April 4, 1991

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Additional Defendant (Dick Corporation). Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

April 4, 1991

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 30, 1991.

April 4, 1991

Acceptance of Service of Opinion and Order dated March 28, 1991 received from attorney for Additional Defendant (KPA Design Group) in Docket No. 1303. Receipt of same acknowledged by attorney for Additional Defendant April 1, 1991.

CLOSED

April 4, 1991

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

April 5, 1991

Acceptance of Service of Opinion and Order dated March 29, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant undated.

April 5, 1991

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

April 8, 1991

Notices of Deposition of Thomas E. Cloeman and J.J. O'Brien filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

April 8, 1991

Notice to Attend filed by attorney for Additional Defendant (Dick Corporation). Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

April 9, 1991

Acceptance of Service of Opinion and Order dated March 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 5, 1991.

April 9, 1991

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

April 10, 1991

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

April 11, 1991

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

April 12, 1991

Hearing held this date in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 11:15 a.m. Case settled.

April 12, 1991

Stipulation to Dismiss and Proposed Order filed by attorney for Plaintiff, executed by parties.

April 16, 1991

Stipulation to Dismiss and Proposed Order executed by Judge Pace. Order as follows: **"AND NOW**, this 16th day of April, 1991, the Stipulation of the parties attached hereto is hereby entered as an Order of this Board. Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates and H.F. Lenz Company, and McClure Company, by their undersigned counsel, stipulate and agree that the crossclaims filed by Celli-Flynn & Associates/H.F. Lenz Company, Celli-Flynn & Associates, and H.F. Lenz Company against McClure Company in the above-docketed matters are hereby dismissed, with prejudice."

April 24, 1991

Testimony of hearing held April 2, 3, 4, 1991 filed.

April 26, 1991

Copy of testimony for hearings held April 2, 3, and 4, 1991 forwarded to attorney for Defendant.

May 6, 1991

Testimony of hearing held April 5 and 9, 1991 filed.

May 7, 1991

Acceptance of Service of testimony for hearing held April 2, 3 and 4, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 1, 1991.

May 1, 1991

Copy of testimony for hearing held May 5 and 6, 1991 forwarded to attorney for Defendant.

May 8, 1991

Letter forwarded to parties scheduling Memorialization Hearing for May 15, 1991, in Board's Courtroom No. 1, 707 Transportation & Safety Building at 10:00 a.m.

May 13, 1991

Testimony of hearing held April 10, 11 and 12, 1991 filed.

May 14, 1991

Copy of testimony for hearing held April 10, 11 and 12, 1991 given to attorney for Defendant at time of hearing.

May 15, 1991

Acceptance of Service of testimony for hearing held April 5 and 9, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 9, 1991.

May 15, 1991

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

May 23, 1991

Acceptance of Service of testimony for hearing held April 10, 11 and 12, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Deendant May 17, 1991.

June 10, 1991

Testimony of Memorialization held May 15, 1991 filed.

June 11, 1991

Copy of testimony of Memorialization held May 15, 1991 forwarded to attorney for Defendant.

June 17, 1991

Acceptance of Service of testimony for memorialization held May 15, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 17, 1991.

CLOSED

March 27, 1992

Copy of executed Settlement Agreement Between Dick and the Department filed by attorney for Plaintiff.

August 26, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 26th day of August, 1992, upon due consideration of the Settlement Agreement between Dick and the Department and Releases of the parties attached thereto and other submissions, it is hereby **ORDERED** that Defendant, Commonwealth of Pennsylvania, Department of General Services, shall pay to Plaintiff, Dick Corporation, the sum of Six Hundred Ninety-Nine Thousand Nine Hundred Ninety-Nine Dollars and Ninety-Nine Cents (\$699,999.99) in full satisfaction of the matter. Plaintiff shall withdraw its Complaint and upon payment of the within award, file a Praecipe with the Board of Claims requesting that the matters which are the subject of this Opinion, be marked settled and discontinued with prejudice. Further, Defendant shall withdraw its Cross Complaints to join the Plaintiff and other parties in cases docketed to Nos. 1234 and 1309 and shall file a Praecipe with the Board of Claims requesting that the instant cases be marked settled and discontinued with prejudice. Each party to bear its own costs and attorneys' fees." Copy forwarded to all parties of record.

August 31, 1992

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant August 27, 1992.

September 4, 1992

Opinion and Order (Mr. Waldron's) returned to us because of address change.

September 8, 1992

Opinion and Order (Mr. Adler's) returned to us because of postal service error.

Opinion and Order (Mr. Waldron's) re-forwarded because of address change.

Opinion and Order (Mr. Adler's) reforwarded because of postal service error.

September 11, 1992

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant August 27, 1992.

September 15, 1992

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant (Mark J. Gesk, Esquire). Receipt of same acknowledged by attorney for Additional Defendant September 2, 1992.

September 15, 1992

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant (Robert W. Doty, Esquire). Receipt of same acknowledged by attorney for Additional Defendant.

September 17, 1992

Praecipe to Settle and Discontinue Cross Complaints filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

September 18, 1992

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Additional Defendant (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Additional Defendant September 16, 1992.

September 21, 1992

Letter Praecipe advising that all terms and conditions of the Settlement Agreement have been met filed by attorney for Plaintiff.

September 21, 1992

Acceptance of Service of Opinion and Order dated September 26, 1992 received from attorney for Additional Defendant (Paul A. Waldron, Esquire). Receipt of same acknowledged by attorney for Additional Defendant (Paul A. Waldron, Esquire) September 14, 1992.

CLOSED

The Board made the following Order: AND IT IS the 2nd day of January, 1993, upon further review of all items to be resolved in the above captioned matters and upon receipt of a Letter/Praecipe from counsel for Dick Corporation dated November 20, 1992, it is hereby **ORDERED** and **DECREED** that the cases docketed to number 1235, 1303 and 1309 shall be ended and marked 'settled and discontinued with prejudice'." Copy forwarded to all counsel of record.

January 25, 1993

January 28, 1993

Acceptance of Service of Order received from attorney for Additional Defendant (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Additional Defendant (Theodore A. Adler, Esquire) January 26, 1993.

February 1, 1993

Order dated January 25, 1993, sent to attorney for Additional Defendant (Paul L. Waldron, Esquire) returned due to incorrect address.

February 1, 1993

Acceptance of Service of Order dated January 25, 1993, received from attorney for Additional Defendant (Barbara Sumple-Sullivan, Esquire). Receipt of same acknowledged by attorney for Additional Defendant.

February 1, 1993

Acceptance of Service of Order dated January 25, 1993 received from attorney for Defendant (Christopher R. Opalinski, Esquire). Receipt of same acknowledged by attorney for Defendant January 27, 1993.

February 1, 1993

Acceptance of Service of Order dated January 25, 1993 received from attorney for Additional Defendant (Roger J. Peters, Esquire). Receipt of same acknowledged by attorney for Additional Defendant January 27, 1993.

February 2, 1993

Order dated January 25, 1993 reforwarded to attorney for Additional Defendant (Paul L. Waldron, Esquire).

February 5, 1993

Acceptance of Service of Order dated January 25, 1993 received from attorney for Additional Defendant (Mark J. Gesk, Esquire). Receipt of same acknowledged by attorney for Additional Defendant February 1, 1993.

February 5, 1993

Order dated January 25, 1993 sent to attorney for Plaintiff (James K. Thomas, Esquire), returned due to incorreccted address).

February 10, 1993

Order dated January 25, 1993 reforwarded to attorney for Plaintiff (James K. Thomas, Esquire).

February 17, 1993

Acceptance of Service of Order dated January 25, 1993 received from attorney for Plaintiff (James K. Thomas, Esquire). Receipt of same acknowledged by attorney for Plaintiff February 15, 1993.

February 25, 1993

Acceptance of Service of Order dated January 25, 1993 received from attorney for Additional Defendant, Novinger's Inck. (Paul L. Waldron, Esquire). Receipt of same acknowledged by attorney for Additional Defendant (Paul L. Waldron, Esquire) February 4, 1993.