

Docket Number: 1310

PARSONS BRINCKERHOFF/GANNETT FLEMING, A JOINT VENTURE

Barbara R. McLemore, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION, PENNSYLVANIA HIGH SPEED INTERCITY RAIL  
PASSENGER COMMISSION

~~Kenneth L. Sable, Chief Claims Attorney~~  
Gregory C. Santoro, Assistant Counsel  
Glenn R. Davis, Assistant Counsel

**October 28, 1988**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$150,069.97+.

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**November 3, 1988**

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

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**November 4, 1988**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 3, 1988.

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Acceptance of Service of Claim received from office of Attorney General. Receipt of same acknowledged by office of Attorney General November 4, 1988.

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Motion of Defendant High Speed Intercity Rail Passenger Commission for Extension of Time to file Appropriate Pleadings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 2, 1988**

Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 5, 1988**

Letter forwarded to Mr. Santoro with copy to Ms. McLemore granting extension of time for sixty (60) days until February 6, 1989 to file appropriate pleadings.

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**January 4, 1989**

Brief in Support of Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 25, 1989**

Brief in Opposition to Preliminary Objections of the Commonwealth of Pennsylvania, Department of Transportation and the Commonwealth of Pennsylvania filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 27, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of February, 1989, upon consideration of the Preliminary Objections filed on behalf of the Commonwealth of Pennsylvania, and the Commonwealth of Pennsylvania, Department of Transportation, in the nature of a demurrer, and raising a question of personal jurisdiction and subject matter jurisdiction, as well as raising the defense of non-joinder of indispensable parties, it is hereby **ORDERED** that the Preliminary Objections are hereby **DISMISSED**. The Commonwealth of Pennsylvania, and the Commonwealth of Pennsylvania, Department of Transportation, shall have thirty (30) days from the date of this Order in which to file the responsive pleadings to the Complaint filed on behalf of the Plaintiff, Parsons Brinckerhoff/Mannett Fleming." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**March 1, 1989**

Acceptance of Service of Opinion and Order dated February 27, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 28, 1989.

**March 20, 1989**

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

**May 20, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of May, 1989, upon consideration of the joint application for Stay submitted by Counsel for the parties, it is hereby **ORDERED** and **DECREED** that such application is hereby **GRANTED** and all proceedings in the matter are stayed until August 31, 1989." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**May 22, 1989**

Acceptance of Service of Opinion and Order dated May 20, 1989 received from attorney Defendant (Glenn R. Davis, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant May 22, 1989.

**May 26, 1989**

Acceptance of Service of Opinion and Order dated May 20, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 25, 1989.

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**August 29, 1989**

Exploratory hearing scheduled for August 30, 1989 in Board's Courtroom No. 2, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

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**August 30, 1989**

Stipulation of Settlement executed by parties filed by attorney for Defendant at time of hearing.

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**August 30, 1989**

Exploratory hearing held in Board's Courtroom No. 2, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:00 a.m. Case settled.

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**September 15, 1989**

Acceptance of Service of Testimony for exploratory hearing held August 30, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 14, 1989.

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**October 12, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of October, 1989, premised on the record, the pleadings herein, testimony presented, it is hereby **ORDERED** and **DECREED** that the settlement agreement be and hereby is approved and that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, Pennsylvania High Speed Intercity Rail Passenger Commission, is obligated to pay the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) in full settlement of this Claim. All terms, conditions and provisions of the settlement agreement shall be effective. Plaintiff, Parsons Brinckerhoff/Gannett Fleming, a joint venture, shall upon payment file a Praecipe to mark the suit settled and discontinued with prejudice. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 13, 1989**

Acceptance of Service of Opinion and Order dated October 12, 1989 received from attorney for Defendant (Glenn R. Davis, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant October 12, 1989.

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**October 18, 1989**

Acceptance of Service of Opinion and Order dated October 12, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 13, 1989.

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**May 8, 1991**

The Board made the following Order: "AND NOW, this 8th day of May, 1991, this Order is issued as a result of the failure of Plaintiff, Parsons Brinckerhoff/Gannett Fleming, Joint Venture to advise the Board of Claims whether or not Plaintiff received the monies directed be paid to said Plaintiff as stated in the Board's Order dated October 12, 1989. It is, therefore, **DIRECTED** that the record be marked closed and settled with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 13, 1989**

Acceptance of Service of Order dated May 8, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 10, 1991.

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**May 16, 1991**

Acceptance of Service of Order dated May 8, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 14, 1991.

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