

Docket Number: 1330

PHILIPS BROTHERS ELECTRICAL CONTRACTORS, INC.

Barbara Suple-Sullivan, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~John J. Buchy, Chief of Litigation~~

~~Jose E. Morales, Chief Counsel~~

Elizabeth O'Reilly, Assistant Counsel

January 4, 1989

Complaint and filing fee filed. Amount of Claim: \$88,944.00+.

January 9, 1989

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

January 17, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 11, 1989.

January 19, 1989

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 10, 1989.

March 1, 1989

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

June 14, 1989

Department's Objections and Answers to Plaintiff's Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 14, 1989

Defendant's Response to Plaintiff's Motion for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 19, 1989

Motion for Entry for Inspection and Testing filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 13, 1989

Affidavit of Service of Plaintiff's Second Set of Interrogatories filed by attorney for Plaintiff. Request for copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 31, 1989

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

September 29, 1989

Department's Supplemental Answers to Plaintiff's Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 29, 1989

Department's Objections and Answers to Plaintiff's Second Set of Interrogatories Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

October 20, 1989

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 20th day of October, 1989, it is **ORDERED** and **DECREED** that the Motion for Entry for inspection and Testing, having been rendered Moot, be and hereby is **DISMISSED.**" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 25, 1989

Acceptance of Service of Opinion and Order dated October 20, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Plaintiff October 24, 1989.

October 25, 1989

Acceptance of Service of Opinion and Order dated October 20, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 24, 1989.

November 6, 1989

Motion to Compel, Proposed Order and Brief in Support of Motion to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 6, 1989

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

November 22, 1989

Department's Answer to Plaintiff's Motion to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 22, 1989

Department's Brief in Opposition to Plaintiff's Motion to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 3, 1990

The Board rendered an Opinion and made the following Order: "AND NOW, this 3rd day of January, 1990, the Defendant is directed to answer Interrogatory Nos. 4, 5, 6 and in accordance with this Opinion." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 22, 1990

Acceptance of Service of Opinion and Order dated January 3, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 5, 1990.

February 16, 1990

Department's Second Supplemental Answers to Plaintiff's Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 27, 1990

Defendant's Interrogatories to Plaintiff - First Set as well as Defendant's Request for Production of Documents - First Request filed by attorney for Plaintiff by attorney for Defendant.

October 9, 1990

The Board rendered and made the following Order: "AND NOW, this 9th day of October, 1990, it is **ORDERED** and **DECREED** that the Motion to Compel, docketed under date of November 6, 1989, is **DISMISSED** as being moot." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 11, 1990

Acceptance of Service of Opinion and Order dated October 9, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 10, 1990.

October 18, 1990

Acceptance of Service of Opinion and Order dated October 9, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 17, 1990.

CLOSED
November 9, 1990
The Board rendered an Opinion and made the following Order: "And NOW, this 9th day of November, 1990, the Motion for document production as filed by the Plaintiff is now **MOT** and the Motion is **DISMISSED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 13, 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 3, 1990.

November 15, 1990

Acceptance of Service of Opinion and Order dated November 9, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 1990.

August 27, 1990

Hearing scheduled for January 28, 29, 30 and 31, 1992 in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

December 18, 1991

Notice to Take Deposition of James Gray filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 3, 1992

Motion for Protective Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 8, 1992

Plaintiff's, Philips Brothers Electrical Contractors, Inc., Request for Production of Documents Directed to Defendant received via fax filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 9, 1992

Proposed Order and Motion to Compel Response to Document Production Request received via first class mail filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 9, 1992

Answer to Plaintiff's Motion to Compel Response to Document Production Request filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 9, 1992

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

January 17, 1992

Department's Third Supplemental Answers to Plaintiff's first Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 28, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:15 a.m.

January 28, 1992

Stipulation executed by parties, filed at time of hearing.

January 29, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:15 a.m.

January 30, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:15 a.m.

January 31, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:15 a.m. Case completed.

February 25, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW, this 25th day of February, 1992, it is ORDERED and DECREED** that the Motions as filed by counsel for the Plaintiff and the Defendant, i.e., the Motion for Protective Order, filed January 3, 1992, and a Motion to Compel Response to Document Production Request, filed January 8, 1992, be, and are hereby, **DISMISSED** as being **MO.T.**" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

Acceptance of Service of Opinion and Order dated February 25, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 26, 1992.

March 2, 1992

Acceptance of Service of Opinion and Order dated February 25, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 26, 1992.

March 10, 1992

Testimony of hearings held January 28, 29, 30 and 31, 1992 filed.

March 11, 1992

Copy of testimony of hearings held January 28, 29, 30 and 31, 1992 forwarded to attorney for Defendant.

March 31, 1992

Acceptance of Service of testimony for hearings held January 28, 29, 30 and 31, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 18, 1992.

June 5, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW, this 5th day of June, 1992, the deposed testimony will be**

submitted to the Board in accordance with this Opinion." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 10, 1992

Acceptance of Service of Opinion and Order dated June 5, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 9, 1992.

June 11, 1992

Acceptance of Service of Opinion and Order dated June 5, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 9, 1992.

June 26, 1992

Copy of Stipulation received under date of January 2, 1992, executed by Judge Pace forwarded to attorney for Plaintiff and attorney for Defendant.

July 6, 1992

Plaintiff's Response to Board of Claims Order - June 5, 1992 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 6, 1992

Deposition of Azad Mesrobian, P.E. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 6, 1992

Partial Deposition of Donald L. Bray filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 15, 1992

Department's Objections to Deposition Testimony of Azad Mesrobian filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 17, 1992

Deposition of Donald L. Bray filed by attorney for Defendant.

September 25, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 25th day of September, 1992, the Depositions of witnesses Donald L. Bray, Herman E. Cardoni and Azad Mesrobian are **ADMITTED** as testimony are now part of the record." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 2, 1992

Acceptance of Service of Opinion and Order dated September 25, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff of September 28, 1992.

OCTOBER 26, 1992

Claimant's Suggested Findings of Facts, Conclusions of Law and Brief in Support thereof filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 1, 1992

Department's Proposed Findings of Fact and Conclusions of Law and Brief in Support of filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 17, 1993

Praeipice to Withdraw as counsel for Defendant filed by John J. Buchy, Chief of Litigation. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 17, 1993

Praeipice to Enter Appearance as counsel for Defendant filed by Jose E. Morales, Chief Counsel. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 25, 1993

Acceptance of Service of Opinion and Order dated September 25, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 28, 1993.

December 16, 1993

Entry of Appearance filed by Elizabeth O'Reilly, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 15, 1994

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 15th day of March, 1994, the Board of Claims finds in favor of the Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, Philips Brothers Electrical Contractors, Inc. The Plaintiff's Claim is hereby **DENIED** in full. All costs are to be borne respectively by the parties to this litigation."

March 18, 1994

Acceptance of Service of Opinion and Order dated March 15, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 16, 1994.

March 13, 1995

Opinion and Order received from Commonwealth Court as follows: **"NOW,** March 10, 1995, the order of the Board of Claims in the above-captioned matter is hereby affirmed."

April 13, 1994

Petition for Review filed by attorney for Plaintiff.

April 19, 1994

Petition for Review received from Commonwealth Court. [0870 C.D. 1994]

October 23, 1995

Order received from Supreme Court in re: **"AND NOW,** this 21st day of August, 1995, the Petition for Allowance of Appeal is denied."