

Docket Number: 1331

DICK ENTERPRISES, INC.

Kenneth W. Lee, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

January 10, 1989

Complaint and Amendment to Complaint and filing fee filed. Amount of Claim: \$591,395.92+.

January 13, 1989

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

January 17, 1989

Acceptance of Service of Complaint and Amendment to Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 13, 1989.

CLOSED

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

February 28, 1989

Defendant's Request for Production of Documents to Plaintiff, Dick Enterprises - First Set and Defendant's Interrogatories to Plaintiff, Dick Enterprises, Inc. - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 10, 1989

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

March 28, 1989

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

June 23, 1989

Plaintiff's Answers to Defendant's Interrogatories to Plaintiff, Dick Enterprises, Inc. - First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 24, 1989

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

July 24, 1989

Plaintiff's First Set of Interrogatories to Defendant by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 7, 1989

First Request for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 10, 1989

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

November 8, 1989

Defendant's Responses to Plaintiff's First Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 30, 1989

Defendant's Request for Production of Documents to Plaintiff, Dick Enterprises, Inc. - Second Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 3, 1991

Plaintiff's Answers to Defendant's Interrogatories to Plaintiff, Dick Enterprises, Inc. - Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 18, 1991

Defendant's Request for Production of Documents to Plaintiff, Dick Enterprises, Inc. (Third Set) and Defendant's Interrogatories to Plaintiff, Dick Enterprises, Inc. (Third Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 16, 1993

Plaintiff's Amended Answer to Defendant's Interrogatories - Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 16, 1993

Plaintiff's Reply to Defendant's Request for Production of Documents - Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 16, 1993

Plaintiff's Reply to Defendant's Request for Production of Documents - Third Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 16, 1993

Plaintiff's Responses to Defendant's Interrogatories to Plaintiff, Dick Enterprises, Inc. - Third Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 6, 1994

Praecipe for Entry of Appearance filed by John J. Buchy, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 1, 1994

Pre-Trial conference scheduled for September 22, 1994, in Judge Clipper's Chambers, Room 1201 Labor & Industry Building, Harrisburg, PA at 11:30 a.m.

September 22, 1994

Pre-trial conference held in Judge Clipper's Chambers, Room 1201 Labor & Industry Building, Harrisburg, Pennsylvania, commencing at 11:30 a.m.

December 6, 1994

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

December 30, 1994

Notice of Taking Depositions of Thomas P. Guzek, Thomas M. Westrom, James C. Holesapple, and Jeff Johnson, on Oral Examination Under PA. R.C.P. 4007.1 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 9, 1995

Hearing scheduled for February 8, 9 and 10, 1995; February 13, 14, 15, 16 and 17, 1995; February 21, 22 and 24, 1995; and February 27 and 28, 1995; if necessary, at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, at 9:30 a.m.

CLOSED

Department's pre-trial statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 2, 1995

Pre-hearing Statement of Dick Enterprises, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 6, 1995

Hearing rescheduled to begin on February 9, 1995.

February 7, 1995

Expert report of Mons City Bridge Replacement L.R. 181, Spur A filed by Mr. Dennis L. Allen of Rubino & McGeehin.

February 9, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 10, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 13, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 14, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 15, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 16, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 17, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 21, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 22, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 24, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 27, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

February 28, 1995

Hearing held this date at the Market Street State Office Building, 14th Floor, 400 Market Street, Harrisburg, Pennsylvania, commencing

at 9:30 a.m. Case to be continued.

March 8, 1995

Stipulation for Protective Order, executed by parties, filed by attorney for Defendant.

March 13, 1995

Testimony of hearing held February 9, 10, 13 and 14, 1995 filed.

March 17, 1995

Copy of testimony of hearing held February 9, 10, 13 and 14, 1995 forwarded to attorney for Defendant.

March 23, 1995

Acceptance of Service of Testimony of hearing held February 9, 10, 13 and 14, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 21, 1995.

April 4, 1995

Testimony of hearing held February 15, 16, 17, 21, 22, 24, 27 and 28, 1995 filed.

April 14, 1995

Copy of Testimony of hearing held February 15, 16, 17, 21, 22, 24, 27 and 28, 1995 forwarded to attorney for Defendant.

April 14, 1995

Copy of Stipulation for Protective Order, executed by Judge Clipper, forwarded to attorney for Plaintiff and attorney for Defendant.

April 14, 1995

Hearing scheduled for October 10, 11, 12 and 13, 1995; October 16, 17, 18, 19 and 20, 1995; October 23, 24, 25, 26 and 27, 1995; and October 30 and 31, 1995, in Board's Courtroom No. 1, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, at 9:30 a.m.

April 20, 1995

Acceptance of Service of testimony of hearing held February 15, 16, 17, 21, 22, 24, 27 and 28, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 18, 1995.

April 20, 1995

Acceptance of Service of Stipulation for Protective Order executed

by Judge Clipper received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 18, 1995.

September 25, 1995

Copy of revised expert report filed by Dennis L. Allen, CPA, CFE

October 10, 1995

Hearing held this date in Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case settled.

November 9, 1995

Testimony for hearing held October 10, 1995 filed

December 4, 1995

Copy of testimony for hearing held October 10, 1995 forwarded to attorney for Defendant

January 5, 1996

Acceptance of Service of testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 7, 1995.

June 18, 1996

Praecipe to Settle and Discontinue filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 25, 1996

The Board made the following Order: "**AND NOW**, this 25th day of July, 1996, upon receipt of Praecipe to Settle and Discontinue acknowledging receipt of award executed by Kenneth W. Lee, Esquire, on behalf of Dick Enterprises, Inc., same of which is docketed with this Board under date of June 18, 1996, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 1, 1996

Acceptance of Service of Order dated July 25, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 29, 1996.

September 19, 1996

Acceptance of Service of Order dated July 25, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 26, 1996.

CLOSED