

Docket Number: 1336

JAY R. REYNOLDS, INC.

Theodore A. Adler, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~William W. Warren, Chief Counsel~~
~~Jose E. Morales, Assistant Counsel~~

January 19, 1989

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$280,401.42+.

January 23, 1989

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

January 30, 1989

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 24, 1989.

CLOSED

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

February 27, 1989

Important Notice filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 27, 1989

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

April 12, 1989

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

May 22, 1989

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 22nd day of May, 1989, the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of General Services, for a more specific pleading as to Paragraphs 13(g), 14(g) and 14(h) of Plaintiff's Complaint, are hereby **GRANTED,** and

May 22, 1989 (cont'd)

the Plaintiff is **DIRECTED** to file a more specific pleading as to those allegations within thirty (30) days of the date hereof. The remaining Preliminary Objections, of the Defendant, in the Nature of a Demurrer, a Petition Raising Questions of Subject Matter Jurisdiction, and a Motion to Strike Impertinent Matter, are hereby **DENIED.**" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 24, 1989

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

CLOSED

Acceptance of Service of Opinion and Order dated May 21, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 23, 1989.

June 6, 1989

Amendments to Complaint filed by attorney for Plaintiff.

June 13, 1989

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

June 15, 1989

Acceptance of Service of Amendments to Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 14, 1989.

June 15, 1989

Acceptance of Service of Amendments to Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 14, 1989.

July 14, 1989

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

August 15, 1989

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

September 20, 1989

Notice of Depositions of George Brocail, Terry Shulsky and William Gorba filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 28, 1989

Notice of Rescheduled Depositions of George Brocail, Terry Shulsky and William Gorba filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 29, 1989

Notice of Deposition of Robert Whitson filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 31, 1990

Hearing scheduled for February 5, 6, 7 and 8, 1991, as well as February 12, 13, 14 and 15, 1991, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

December 5, 1990

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

January 18, 1991

Response of Department to Jay R. Reynolds Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 31, 1991

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

February 5, 1991

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

February 6, 1991

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

February 7, 1991

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

February 8, 1991

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

February 12, 1991

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

February 13, 1991

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

March 12, 1991

Testimony for hearing held February 5, 6 and 7, 1991 filed.

March 13, 1991

Copy of testimony for hearing held February 5, 6 and 7, 1991 forwarded to attorney for Defendant.

March 15, 1991

Testimony for hearing held February 8 and 13, 1991 filed.

March 19, 1991

Copy of testimony for hearing held February 8 and 13, 1991 forwarded to attorney for Defendant.

March 19, 1991

Testimony for hearing held February 12, 1991 filed.

March 20, 1991

Copy of testimony for hearing held February 12, 1991 forwarded to attorney for Defendant.

March 28, 1991

Acceptance of Service of testimony for hearing held February 5, 6 and 7, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 21, 1991.

March 28, 1991

Acceptance of Service of testimony for hearing held February 8 and 13, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 21, 1991.

March 28, 1991

Acceptance of Service of testimony for hearing held February 7, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 21, 1991.

April 24, 1991

Suggested Findings of Fact, Conclusions of Law and Brief in Support thereof on behalf of Claimant, Jay R. Reynolds, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 21, 1991

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

June 27, 1991

Reply Brief filed on behalf of Jay R. Reynolds, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 1, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 1st day of September, 1992, an award in the amount of One Hundred Ninety-Six Thousand Three Hundred Seventy Dollars and Eighty-Nine Cents (\$196,370.89) is hereby entered in favor of Jay R. Reynolds, Inc., Plaintiff, and against the Department of General Services, Defendant, with interest thereon, at the legal rate of six percent (6%) per annum from January 19, 1989, the date upon

September 1, 1992 (cont'd)

which the Complaint in the above-captioned matter was filed. Upon receipt of said award by Plaintiff, Plaintiff shall forthwith file with the Board a Praecipe to mark the case settled and ended with prejudice. Each party to bear its own costs and attorneys fees." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

September 9, 1992

Acceptance of Service of Opinion and Order dated September 1, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 3, 1992.

September 23, 1992

CLOSED

Acceptance of Service of Opinion and Order dated September 1, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 3, 1992.

January 27, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of January, 1993, a Rule to Show Cause is issued upon Plaintiff, Jay R. Reynolds, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded, or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 28, 1993

Acceptance of Service of Opinion and Order dated January 25, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 26, 1993.

January 28, 1993

Acceptance of Service of Opinion and Order dated January 25, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 26, 1993.

February 1, 1993

Letter/Praecipe, acknowledging receipt of award, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 10, 1993

The Board made the following Order: "AND NOW, this 10th day of February, 1993, upon receipt of Letter/Praecipe, acknowledging receipt of award, executed by Theodore A. Adler, Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of February, 1993, 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.

February 17, 1993

Acceptance of Service of Order dated February 10, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 17, 1993.

CLOSED

Acceptance of Service of Order dated February 10, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 16, 1993.
