

Docket Number: 1345

PERINI CORPORATION

Paul A. Logan, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Kenneth L. Sable, Chief Claims Attorney

***February 8, 1989**

Complaint and filing fee filed. Amount of Claim: \$333,442.17+.

February 13, 1989

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

February 14, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 13, 1989.

February 17, 1989

Verification received from attorney for Plaintiff.

February 22, 1989

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

February 23, 1989

Acceptance of Service of Verification received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 22, 1989.

February 24, 1989

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General February 15, 1989.

March 2, 1989

Acceptance of Service of Verification dated February 17, 1989, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 23, 1989.

July 13, 1989

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

October 16, 1989

Motion for Leave to Amend Complaint and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

***October 16, 1989**

Motion for Leave to Amend Complaint and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 20, 1989

The Board rendered an Opinion and made the following Order; **AND** **NOW**, this 20th day of October, 1989, after a review of the Motion for Leave to Amend Complaint as filed by the Plaintiff and the allegation contained therein, wherein the Defendant has agreed to the filing of the Amended Complaint, the request of the Plaintiff is hereby **GRANTED**. The Amended Complaint, as filed, will be accepted by the Board and docketed as such. A copy will be forwarded to attorney for Defendant and Chief Deputy attorney General." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

October 20, 1989

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

October 24, 1989

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 24, 1989.

October 24, 1989

Acceptance of Service of Opinion and Order dated October 20, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 23, 1989.

October 26, 1989

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by attorney for Plaintiff by attorney for Defendant.

November 17, 1989

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

December 15, 1989

Motion of Defendant, Commonwealth of Pennsylvania, Department of Transportation for a Protective Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 20, 1989

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

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December 21, 1989

Motion of Perini Corporation to Strike Preliminary Objections of Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 27, 1989

Reply of Perini Corporation to Commonwealth of Pennsylvania, Department of Transportation Motion for Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 3, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 3rd day of January, 1990, it is **ORDERED** and **DECREED** that all further proceedings herein are **STAYED** until such time as the Board of Claims rules on the outstanding Preliminary Objections filed by the Defendant on November 17, 1989. It is further **ORDERED** and **DECREED** that should the Board dismiss the outstanding Preliminary Objections, then the Defendant shall have thirty (30) days from date of such ruling to respond to the Request for Admissions." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

January 5, 1990

Acceptance of Service of Opinion and Ordered dated January 3, 1990, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 4, 1990.

January 5, 1990

Letter/Response considered Brief to Plaintiff's Motion to Strike filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 10, 1990

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

CLOSED

January 16, 1990

Brief in Opposition to Preliminary Objections of Commonwealth of Pennsylvania, Department of Transportation to Plaintiff's Amended Complaint filed by attorney for attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 1, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 1st day of February, 1990, the Preliminary Objections of the Defendant is the Nature of a Demurrer and Subject Matter Jurisdiction are **DENIED**. The Preliminary Objections in the Nature of a Motion to Strike Paragraph 30 of the Plaintiff's Amended Complaint is **STRICKEN**. The Motion of the Plaintiff to Strike because of the time in which the Preliminary Objections were filed is **DISMISSED**. The Defendant is given thirty (30) days from the date of this Order to file appropriate pleadings." Copies forwarded to attorney for Plaintiff and attorney for Defendant. (As per Judge Pace, a decision was rendered without the benefit of Plaintiff's Brief due to the clarity of the matter.)

February 2, 1990

Memorandum in Support of Perini Corporation Motion to Strike Preliminary Objections of Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 5, 1990

Acceptance of Service of Opinion and Order dated February 1, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 2, 1990.

February 7, 1990

Acceptance of Service of Opinion and Order dated February 1, 1990, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 5, 1990.

March 2, 1990

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

March 4, 1990

Answers to Plaintiff's Requests for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 7, 1990

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

March 7, 1990

Defendant's Interrogatories to Plaintiff, Perini Corporation - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 2, 1990

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

April 30, 1990

Request for Admission (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 4, 1991

Answer to Defendant's Interrogatories to Plaintiff (First Set). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 18, 1992

Hearing scheduled for July 21, 22, 23, & 24, 1992 in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, PA commencing at 10:00 a.m.

July 10, 1992

Perini Corporation's Supplemental Answers to Defendant's Interrogatories to Plaintiff, Perini Corporation - First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 21, 1992

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

July 22, 1992

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

August 4, 1992

Testimony of hearing held July 21, 1992 filed.

August 7, 1992

Copies of testimony for hearing held July 21, 1992 forwarded to attorney for Defendant.

August 11, 1992

Testimony for hearing held July 22, 1992 filed.

August 12, 1992

Copy of testimony for hearing held July 22, 1992 forwarded to attorney for Defendant.

August 12, 1992

Acceptance of Service of Testimony for hearing held July 21, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 10, 1992.

August 17, 1992

Acceptance of Service of testimony for hearing held July 22, 1992 received from attorney for Defendant. Receipt of same acknowledged

by attorney for Defendant August 13, 1992.

September 25, 1992

Perini Corporation Proposed Findings of Fact, Proposed Conclusions of Law and Memorandum of Law in Support of the Proposed Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 5, 1992

Certificate of Service of Plaintiff's Proposed Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 24, 1992
Department of Transportation 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.

CLOSED

December 17, 1992

Response Brief to Commonwealth of Pennsylvania, Department of Transportation Proposed Findings of Fact, Conclusions of Law and Brief in Support thereof filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 8, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of March, 1994, it is hereby **ORDERED** that judgment be entered in favor of the Commonwealth of Pennsylvania, Department of Transportation and against the Plaintiff, Perini Corporation." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 10, 1994

Acceptance of Service of Opinion and Order dated March 8, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 9, 1994.

March 23, 1994

Acceptance of Service of Opinion and Order dated March 8, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 18, 1994.

April 8, 1994

Petition for Review filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 18, 1994

Petition for Review [0826 C.D. 1994] filed by Commonwealth Court.

July 22, 1994

File transmitted to Commonwealth Court.

May 31, 1995

Commonwealth Court rendered the following Order: "AND NOW, this 31st day of May, 1995, the order of the Board of Claims, No. 134, dated March 8, 1994, is hereby affirmed."

May 31, 1995

File returned from Commonwealth Court.

CLOSED