

Docket Number: 1347

McCARL'S, INC.

Thomas G. Michalek, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

John J. Buchy, Chief of Litigation

February 21, 1989

Complaint and filing fee filed. Amount of Claim: \$12,813.82+.

February 28, 1989

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

March 7, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 2, 1989.

March 7, 1989

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 7, 1989.

March 22, 1989

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

May 19, 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.

June 12, 1989

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

June 12, 1989

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

June 20, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this to wit this 20th day of June, 1989, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Strike Defendant's Brief in Support of Preliminary Objections to Plaintiff's Complaint is **DENIED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

June 23, 1989

Acceptance of Service of Opinion and Order dated June 20, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 21, 1989.

July 25, 1989

CLOSED

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of July, 1989, the Preliminary Objection as filed by the Defendant as it relates to the rate of interest must be **DENIED**. The Preliminary Objection as filed by the Defendant as it relates to Paragraph No. 11 and subparagraph 3 of Paragraph No. 12 of the Plaintiff's Complaint is **GRANTED**; and Paragraph No. 11 and subparagraph 3 of Paragraph No. 12 of the Plaintiff's Complaint is **STRICKEN**. The Defendant is directed to file responsive pleadings in accordance with this Order within thirty (30) days of the date of this Order." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 31, 1989

Acceptance of Service of Opinion and Order dated July 25, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 28, 1989.

August 2, 1989

Acceptance of Service of Opinion and Order dated July 25, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 31, 1989.

August 24, 1989

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

December 21, 1989

Petition For Board of Claims Hearing filed by attorney for Plaintiff.
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 9, 1990

Letter declaring moot the Petition for a Direct Hearing forwarded
to attorney for Plaintiff and attorney for Defendant.

April 17, 1990

Petition for Board of Claims Hearing filed by attorney for Plaintiff.
Copy forwarded to attorney for Defendant.

June 13, 1990

Hearing scheduled for July 19 and 20, 1990, before Western District
Panel, to be held at The Palace Inn, Suites 22 and 48, Morgantown,
Pennsylvania, Executive Board Room, commencing at 10:00 a.m.

July 10, 1990

Hearing originally scheduled before Western District Hearing Panel
July 19 and 20, 1990, at The Palace Inn, rescheduled before the Western
District Hearing Panel in the offices of Robert V. Campedel, Western
Panel Attorney Member, on July 10, 1990, beginning at 10:00 a.m.

July 19, 1990

Hearing held in the offices of Robert V. Campedel, Western Panel
Attorney Member before the Western Panel District, commencing at
10:00 a.m. Case settled.

August 6, 1990

Western Panel report filed.

September 12, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of September, 1990, premised on the record, the pleadings herein and the Report of the Western Hearing Panel, it is hereby **ORDERED** and **DIRECTED** that the settlement between the parties be and hereby accepted, and that the Defendant, Commonwealth of Pennsylvania, Department of General Services, is obligated and **DIRECTED** to pay the Plaintiff, McCarl's, Inc., the sum of Four Hundred Dollars (\$400.00). It is further **ORDERED** that upon receipt

September 12, 1990 (cont'd)

of payment of said award, Plaintiff, McCarl's, Inc., shall forthwith
file with the Board a Praeceptum that the case be marked settled,

discontinued and ended with prejudice. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 19, 1990

Acceptance of Service of Opinion and Order dated September 12, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 17, 1990.

September 28, 1990

Testimony of Western Panel Hearing held July 19, 1990 filed.

October 1, 1990

Acceptance of Service of Opinion and Order dated September 12, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 17, 1990.

October 17, 1990

Copy of testimony for hearing held July 19, 1990 forwarded to attorney for Defendant.

October 22, 1990

Acceptance of Service of testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 19, 1990.

February 11, 1991

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

February 25, 1991

The Board made the following Order: "AND NOW, this 25th day of February, 1991, upon receipt of Praecipe to Settle and Discontinue acknowledging that monies have been paid, executed by Regia J. Schnippert, Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of February 11, 1991, 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.

March 15, 1991

Acceptance of Service of Order dated February 25, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney

for Plaintiff March 11, 1991.

March 25, 1991

Acceptance of Service of Order dated February 25, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 1, 1991.

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