

Docket Number: 1353

G.E. RAY CONSTRUCTION COMPANY, INC., d/b/a DANIS INDUSTRIES
CORPORATION

Alison G. Baumann, Esquire

CLOSED VS.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Keith E. Welks, Chief Counsel

March 14, 1989

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$181,179.00+.

March 16, 1989

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

March 23, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 21, 1989.

April 14, 1989

Answer to Complaint of G.E. Ray Construction Company, Inc. d/b/a Denis Industries Corporation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 22, 1989

Notice of Service of Plaintiff's First Set of Interrogatories.

June 16, 1989

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

August 8, 1989

Request for Production of Documents and DER's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 7, 1989

G.E. Ray's Answers to DER's First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 26, 1989

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

December 13, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of December, 1989, it is hereby **ORDERED** and **DECREED** that all discovery procedures shall be completed by January 31, 1990.

Should unforeseen delays be encountered, the parties are directed to so advise the Board of Claims as soon as the delay is anticipated."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 18, 1989

Acceptance of Service of Opinion and Order dated December 13, 1989, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 15, 1989.

CLOSED
March 15, 1990
Hearing scheduled for May 22, 23, 24 and 25, 1990, in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.
April 23, 1990

Doctor's certificate verifying illness filed on behalf of attorney for Defendant.

April 25, 1990

Letter forwarded to parties: "Although the Board seldom grants continuances in a matter which is has been scheduled for trial, in this instant case, premised on the medical statement from Dr. Jeffrey S. Fugate setting forth surgery that has been performed on Attorney Morris, the Board does herein grant a continuance."

May 9, 1990

Hearing scheduled for September 11, 12, 13 and 14, 1990, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, at 10:00 a.m.

September 11, 1990

Hearing held this date in Board's Courtroom No. 1 commencing at 10:00 a.m.

September 12, 1990

Hearing held this date in Board's Courtroom No. 1 commencing at 11:00 a.m.

September 13, 1990

Hearing held this date in Board's Courtroom No. 1 commencing at 10:40 a.m. Case completed.

October 12, 1990

Testimony for hearing held on September 11, 12 and 13, 1990 filed.

October 17, 1990

Copies of testimony for hearing held on September 11, 12 and 13, 1990 forwarded to attorney for Defendant.

October 22, 1990

Acceptance of Service of Testimony for hearing held September 11, 12 and 13, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 19, 1990.

November 9, 1990

Plaintiff's Proposed Findings of Fact and Conclusions of Law and Plaintiff's Memorandum of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 4, 1991

Findings of Fact, Conclusions of Law and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 28, 1991

Plaintiff's Reply to Defendant's Proposed Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 19, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 19th day of July, 1991, an award is hereby entered in favor of Plaintiff, G.E. Ray Construction Company, Inc. d/b/a Danis Industries Corporation, and against the Defendant, Commonwealth of Pennsylvania, Department of Environmental Resources, in the amount of Twenty-Seven Thousand Dollars (\$27,000.00) without interest. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe that the case be marked settled, discontinued and ended with prejudice. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

July 25, 1991

Acceptance of Service of Opinion and Order dated July 19, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 25, 1991.

July 29, 1991

Acceptance of Service of Opinion and Order dated July 19, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 23, 1991.

July 30, 1991

Acceptance of Service of Opinion and Order dated July 19, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 2, 1991.

November 4, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW, this 4th day of November, 1991, a Rule to show cause is issued upon Plaintiff, 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.

November 13, 1991

Acceptance of Service of Opinion and Order dated November 4, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 6, 1991.

January 7, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW, this 7th day of January, 1992, this Order is issued as a result of the failure of Plaintiff to advise the Board of Claims within thirty (30) days from November 4, 1991 as to whether the Plaintiff received the amount of money awarded in the Board's Order of July 19, 1991. It is, therefore, DIRECTED that the Rule is made ABSOLUTE and that the record shall be marked closed and settled with prejudice."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 16, 1992

Acceptance of Service of Opinion and Order dated January 7, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 10, 1992.

January 22, 1992

Acceptance of Service of Opinion and Order dated January 7, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 13, 1992.

CLOSED