

Docket Number: 1364

NORFLOR CONSTRUCTION CORPORATION

John A. Witherow, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

~~William Warren, Chief Counsel~~

~~Catherine A. Foley, Assistant Counsel~~

~~Jose E. Morales, Assistant Counsel~~

~~Elizabeth A. O'Reilly, Assistant Counsel~~

VS.

BOHLIN, POWELL, LARKIN & CYWINSKI

Patrick Liddle, Esquire

Donna Fisher, Esquire

May 1, 1989

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$341,658.00+

May 3, 1989

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

May 9, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 8, 1989.

May 12, 1989

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 11, 1989.

July 5, 1989

Notice of Praecipe for Entry of Default filed by attorney for Plaintiff.

July 6, 1989

Copies of Notice of Praecipe for Entry of Default forwarded to attorney for Defendant and Chief Deputy Attorney General.

July 11, 1989

Acceptance of Service of Notice of Praecipe for Entry of Default received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General July 7, 1989.

July 19, 1989

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

August 30, 1989

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

October 5, 1989

The Board rendered an Opinion and made the following Order: **AND NOW**, this 5th day of October, 1989, upon due consideration of the Preliminary Objections as filed by the Defendant, the Board is obligated to deny these Preliminary Objections, and **ORDER** the Defendant, within thirty (30) days of the date of this Order, to file responsive pleadings.@ Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 11, 1989

Acceptance of Service of Opinion and Order dated October 5, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 7, 1989.

October 13, 1989

Acceptance of Service of Opinion and Order dated October 5, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 11, 1989.

November 15, 1989

Defendant's Answer to Statement of Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 7, 1990

Request for Production of Documents of Norflor Construction Corporation Addressed to the Commonwealth of Pennsylvania, Department of General Services - Set I filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 1, 1992

Motion of Norflor Construction Corporation to Consolidate Actions and Proposed Order filed by attorney for Plaintiff (in Docket No. 1431). Copies forwarded to all parties of record by attorney for Plaintiff (in Docket No. 1431)

May 18, 1992

The Board rendered an Opinion and made the following Order: AND NOW, this 18th day of May, 1992 upon due consideration of the request and filing of the Motion to Consolidate Actions, the Board ORDERS consolidation. The Board can see no reason to deny this request and believes that all parties will be given their day in court and no party will be prejudiced by this Order. All pleadings set forth, herein, shall include all docket numbers, as above-mentioned, Docket No. 1287, Docket No. 1364, Docket No. 1401 and Docket No. 1431.@ Copies forwarded to all parties of record.

June 1, 1992

Acceptance of Service of Opinion and Order dated May 18, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 19, 1992.

June 8, 1992

Praeipice for Entry of Appearance of Elizabeth A. O'Reilly, Assistant Counsel and Catherine A. Foley, Assistant Counsel (as Co-Counsel) on behalf of Defendant and Withdrawal of Appearance of M. Shirley Young, Assistant Counsel, for Defendant by attorney for Defendant. Copies forwarded to all parties of record by attorney for Defendant.

August 20, 1992

Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services to Plaintiff, Jay R. Reynolds, Inc. (First Set) filed by attorney for Defendant. Copies forwarded to all parties of record by attorney for Defendant.

September 30, 1992

Plaintiff's Answers to Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 9, 1992

Notice of Deposition of John Samson filed by attorney for Additional Defendants (in Docket No. 1401). Copy forwarded to attorneys for all parties by attorney for Additional Defendants (in Docket No. 1401).

November 20, 1992

Respondent's Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

November 30, 1992

Notice of Deposition of George Marek filed by attorney for Additional Defendant (in Docket No. 1401). Copy forwarded to attorneys for all parties by attorney for Additional Defendants (in Docket No. 1401).

August 26, 1993

Motion to Sever Claims of Jay R. Reynolds, Inc. In the Alternative, Set a Trial Date filed by attorney for Jay Reynolds, Inc. Copy forwarded to all attorneys of record by attorney for Jay R. Reynolds, Inc.

CLOSED

Praecipe for Withdrawal of Appearance of Catherine A. Foley, Co-Counsel for Defendant, as well as Praecipe for Entry of Appearance of Jose E. Morales, Chief of Litigation, Co-Counsel for Defendant, filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

October 12, 1993

The Board rendered an Opinion and made the following Order: "AND NOW, this 12th day of October, 1993, upon due consideration of the Motion set forth in the Opinion above, it is hereby ORDERED and DIRECTED that the portion of the Motion requesting severance of the Claims of Jay R. Reynolds, Inc. is DENIED. The Board of Claims hereby sets the dates on which the consolidated matters shall be heard, which shall be July 12, to July 15; July 19 to July 22; July 26 to July 29, all in the year 1994, unless such dates are changed by the Board of Claims. It is so ORDERED." Copies forwarded to all attorneys of record.

November 5, 1993

Acceptance of Service of Opinion and Order dated October 12, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 13, 1993.

December 3, 1993

Notice of Deposition of George Marek filed by attorney for Additional Defendant (Patrick Liddle, Esq. - in Docket No. 1401). Copies forwarded to all attorneys of record by attorney for Additional Defendant (in Docket No. 1401).

December 6, 1993

Hearing scheduled for August 2, 3, 4 and 5, 1994; August 8, 9, 10, 11 and 12, 1994; as well as August 15, 16, 16, 18 and 19, 1994 in Board's Courtroom No. 1, Room 707 Transportation & Safety Bldg. Harrisburg, PA commencing at 9:30 a.m.

CLOSED

January 10, 1994

Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services to Bohlin, Powell, Larkin & Cywinski and Request for Production of Documents Addressed to Norflor filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

January 25, 1994

Motion for Leave to Join Bohlin, Powell, Larkin & Cywinski as an Additional Respondent in Docket Nos. 1287, 1364 and 1431 filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

January 25, 1994

Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services to Bohlin, Powell, Larkin & Cywinski filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

January 25, 1994

Request for Production of Documents by the Commonwealth of Pennsylvania, Department of General Services Addressed to Bohlin, Powell, Larkin & Cywinski filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

January 26, 1994

Request for Production of Documents by the Commonwealth of Pennsylvania, Department of General Services, Addressed to Jay R. Reynolds, Inc. filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

March 4, 1994

Department's Response to Norflor's Interrogatories (First Set) filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

April 1, 1994

The Board rendered an Opinion and made the following Order: AND NOW, this 1st day of April, 1994, the Board ORDERED and DECREED that the Motion for Leave to Join Bohlin, Powell, Larkin & Cywinski as an Additional Respondent in Docket Nos. 287, 1364 and 1431, be and is hereby GRANTED. Copies forwarded to all attorneys of record.

April 6, 1994

Acceptance of Service of Opinion and Order dated April 1, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 4, 1994.

April 6, 1994

Acceptance of Service of Opinion and Order dated April 1, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 6, 1994.

April 6, 1994

Motion of Defendant, Commonwealth of Pennsylvania, Department of General Services, to Compel Answers to Interrogatories Addressed to Plaintiff, Norflor Construction Corp., filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

April 6, 1994

Motion of Defendant, Commonwealth of Pennsylvania, Department of General Services to Compel Answers to Interrogatories Addressed to Additional Defendant, Bohlin, Powell, Larkin & Cywinski.

April 11, 1994

Responses of Norflor Construction Corporation and MMR/Wallace Constructors, Inc., to Request for Production of Documents by the Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff (Norflor). Copies forwarded to all attorneys of record by attorney for Plaintiff (Norflor).

April 11, 1994

Response of Norflor Construction Corporation and MMR/Wallace Constructors, Inc. to Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff (Norflor). Copies forwarded to all attorneys of record by attorney for Plaintiff (Norflor).

April 29, 1994
CLOSED
The Board rendered an Opinion and made the following Order AND NOW, this 29th day of April, 1994, it is ORDERED and DECREED that the Motion to Compel Answers to Interrogatories Addressed to Plaintiff, Norflor Construction Corporation, be and is hereby DENIED as being MOOT. Copies forwarded to all attorneys of record.@

May 4, 1994

Acceptance of Service of Opinion and Order dated April 29, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 29, 1994.

May 17, 1994

Motion for Sanctions Against Norflor Construction Corporation as well as Brief in Support of Motion for Sanctions filed by attorney for Defendant. Copies forwarded to all attorneys of record by attorney for Defendant.

June 1, 1994

Motion of Norflor Construction Corporation and MMR/Wallace Constructors, Inc. to Compel the Department of General Services to Produce Documents filed by attorney for Plaintiff. Copies forwarded to all attorneys of record by attorney for Plaintiff.

June 7, 1994

The Board rendered an Opinion and made the following Order:
AAND NOW, this 7th day of June, 1994, it is ORDERED and DECREED
that the outstanding Motion for Sanctions as well as the
outstanding Motions to Compel, presently before the Board, are
hereby DISMISSED as being MOOT. It is further ORDERED and
DECREED that the following schedules shall be strictly adhered
to by counsel for all parties: 1. All discovery shall be
completed on or before July 1, 1994, with the following
exception: a. Anticipated expert witnesses shall be deposed on
or before July 15, 1994. 2. Written expert reports shall be
exchanged on or before July 1, 1994. 3. Proposed Stipulations
shall be exchanged among the parties by June 10, 1994. All
parties shall have until June 17, 1994 to indicate whether or
not they agree with the proposed Stipulations. 4. Exhibits to
be used at trial shall be exchanged on or before July 22, 1994
and objections thereto shall be filed on or before July 22,
1994. @ Copies forwarded to all attorneys of record.

CLOSED
July 1, 1994
Certification of Notice to Federal Insurance Company, the
Bankruptcy Court of the Middle District of Louisiana, and the
Aetna Casualty Surety Complaint filed by attorney or Plaintiff.
Copies forwarded to all attorneys of record by attorney for
Plaintiff.

July 5, 1994

Written Expert Reports filed by attorney for Defendant. Copies
forwarded to all attorneys of record by attorney for Defendant.

July 5, 1994

Supplemental Responses of Norflor Construction Corporation and
MMR/Wallace Constructors, Inc. to Interrogatories of Defendant,
Department of General Services, filed by attorney for Norflor
Construction Corporation.

July 8, 1994

Expert Reports of John Anderson, on behalf of Additional
Defendant, Bohlin, Powell, Lark & Cywinski filed by attorney for
Additional Defendant (Bohlin, Powell, etc.) Copies forwarded to
all attorneys of record by attorney for Additional Defendant.

July 19, 1994

Answers of Bohlin, Powell, Larkin & Cywinski to Interrogatories of Commonwealth of Pennsylvania, Department of General Services, filed by attorney for Additional Defendant (Bohlin, Powell, Larkin & Cywinski). Copies forwarded to all attorneys of record by attorney for Additional Defendant.

July 25, 1994

Exhibit List of Jay R. Reynolds, Inc. filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

August 2, 1994

Hearing held in the Public Utility Commission's Hearing Room No. 1, Ground Floor, North Office Bldg., Harrisburg, PA commencing at 9:30 a.m.

August 2, 1994

Motion of Additional Defendant, Vinokur-Pace Engineering Services, Inc. to Preclude and for a Compulsory Non-Suit filed by attorney for Vinokur-Pace Engineering Services, Inc. at time of trial. Copy given to all parties.

August 2, 1994

Memorandum of Law in Support of Motion of Additional Respondent, Vinokur-Pace Engineering Services, Inc. to Preclude, and for a Compulsory Non-Suit filed by attorney for Vinokur-Pace Engineering Services, Inc. at time of trial. Copies given to all parties.

August 3, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 4, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 4, 1994

Motion in Limine of Additional Defendant, Bohlin, Powell, Larkin & Cywinski for Compulsory Non-Suit filed by attorney for Additional Defendant (Bohlin), at time of trial. Copies given to all parties.

August 4, 1994

Memorandum of Law in Support of Motion for Compulsory Non-Suit filed by attorney for Additional Defendant (Bohlin), at time of trial. Copies given to all parties.

August 8, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 8, 1994

Commonwealth of Pennsylvania, Department of General Services- Response to Additional Defendant's Motion in Limine filed by attorney for Defendant at time of trial. Copies given to all parties.

August 8, 1994

Memorandum of Law in opposition to Motion for Compulsory Non-Suit filed by attorney for Defendant at time of trial. Copies given to all parties.

August 9, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 10, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 11, 1994

The Board rendered an Opinion and made the following Order: AND NOW, this 11th day of August, 1994, the Motion filed by Bohlin, Powell, Larkin & Cywinski is hereby DENIED. Copies given to all parties at time of hearing.

August 11, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 12, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 15, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 15, 1994

Commonwealth of Pennsylvania, Department of General Services- Motion for Sanctions, as well as Memorandum of Law in Support of DGS Motion for Sanctions filed by attorney for defendant at time of trial on August 9, 1994.

August 15, 1994

Response of Norflor Construction Corporation to Commonwealth's Motion for Sanctions in the Nature of a Motion for Compulsory Nonsuit and Proposed Order, as well as Brief of Norflor Construction Corporation in Opposition to the Commonwealth's Motion for Sanctions in the Nature of a Motion for Compulsory Nonsuit, filed by attorney for Norflor Construction Corporation at time of hearing.

August 16, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 17, 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 19 1994

Hearing held in the Public Utility Commission's hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 23, 1994

The Board rendered an Opinion and made the following Order:
AAND NOW, this 23rd day of August, 1994, the Motion for Sanctions requesting entry of an Order dismissing the Complaint docketed to number 1364 and from precluding any testimony relating to the rejection of the preformed metal wall and roof system as alleged in Count IV in Docket No. 1431, as filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, is hereby DENIED. Copies forwarded to attorneys for all parties.

August 23, 1994

Acceptance of Service of Opinion and Order dated June 7, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 8, 1994.

August 25, 1994

Hearing held in the Public Utility Commission's Hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA commencing at 9:30 a.m.

August 26, 1994

Hearing held in the Public Utility Commission's Hearing Room No. 1, Ground Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m.

August 26, 1994

Acceptance of Service of Opinion and Order dated August 23, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 24, 1994.

August 29, 1994

Acceptance of Service of Opinion and Order dated August 23, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 26, 1994.

September 14, 1994

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

September 16, 1994

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

September 23, 1994

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

September 30, 1994

Testimony for hearing held August 2, 3, 4, 8 and 9, 1994 filed.

October 3, 1994

Copy of testimony for hearing held August 2, 3, 4, 8 and 9, 1994 forwarded to attorney for Defendant.

October 3, 1994

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

October 4, 1994

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

October 5, 1994

Hearing scheduled to continue for November 3 and 4, 1994 as well as December 1 and 2, 1994, to be held at Room 154 Labor and Industry Building, Harrisburg, Pennsylvania to commence at 9:30 a.m.

October 13, 1994

Testimony of hearing held August 10, 11 and 12, 1994 filed.

October 19, 1994

Copy of testimony of hearing held August 10, 11 and 12, 1994 forwarded to attorney for Defendant.

October 24, 1994

Testimony of hearing held August 15, 16, 17 and 19, 1994 filed.

October 26, 1994

Copy of testimony of hearing held August 15, 16, 17 and 19, 1994 forwarded to attorney for Defendant.

November 1, 1994

Motion in Limine of Additional Defendant, Bohlin, Powell, Larkin & Cywinski filed by attorney for said Additional Defendant. Copy forwarded to attorneys for all parties by attorney for Additional Defendant.

November 4, 1994

Hearing held this date in Room 154 Labor and Industry Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case completed.

November 9, 1994

Acceptance of Service of testimony of hearing held August 10, 11 and 12, 1994 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant October 22, 1994.

November 9, 1994

Acceptance of Service of testimony of hearing held August 15, 16, 17 and 19, 1994 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant October 31, 1994.

November 9, 1994

Stipulation, duly executed, between Additional Defendant, Bohlin, Powell, Larkin & Cywinski and Vinokur-Pace Engineering, filed by attorney for Additional Defendant. Copy forwarded to all attorneys of record.

November 9, 1994

Testimony of hearing held August 25 and 26, 1994 and September 14 and 16, 1994 filed.

November 16, 1994

Copy of testimony of hearing held August 25 and 26, 1994 and September 14 and 16, 1994 forwarded to attorney for Defendant.

November 16, 1994

Testimony of hearing held September 23, 1994, October 3 and 4, 1994, and November 4, 1994 filed.

November 18, 1994

Acceptance of Service of testimony for hearing held August 25 and 26, 1994 and September 14 and 16, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 17, 1994.

November 22, 1994

Copy of testimony for hearing held September 24, 1994, October 3 and 4, 1994 and November 4, 1994 forwarded to attorney for Defendant.

February 24, 1995

Proposed Order, awarding payment to Plaintiff, Jay R. Reynolds, against Defendant, Department of General Services (for the case docketed to No. 1431 only) filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

March 1, 1995

Proposed Findings of Fact and Conclusions of Law and Brief in Support thereof of Claimant, Norflor Construction and MMR/Wallace, filed by attorney for Claimant, Norflor Construction and MMR/Wallace. Copies forwarded to all attorneys of record by attorney for Norflor Construction and MMR/Wallace.

March 1, 1995

Appendix of Selected Cases Cited in Proposed Findings of Fact and Conclusions of Law and Brief in Support of Norflor Construction and MMR/Wallace, filed by attorney for Claimant, Norflor Construction and MMR/Wallace. Copies forwarded to all attorneys of record by attorney for Claimant, Norflor Construction and MMR/Wallace.

March 31, 1995

Proposed Findings of Fact, Conclusions of Law and Brief in Support by the Commonwealth of Pennsylvania, Department of General Services, filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

April 7, 1995

The Board made the following Order: **AND NOW**, this 7th day of April, 1995, judgement is hereby entered in favor of Jay R. Reynolds, Inc., and against the Commonwealth of Pennsylvania, in the amount of \$185,000.00 plus interest at the rate of 6% per annum from October 1, 1994. Copies forwarded to all attorneys of record.

May 2, 1995

Reply Memorandum of Norflor Construction Corporation, filed by attorney for Norflor Construction Corporation. Copy forwarded to all attorneys of record by attorney for Norflor Construction Corporation.

May 9, 1995

Praecipe, discontinuing the matter between Jay R. Reynolds, Inc. and Department of General Services, filed by attorney for Jay R. Reynolds, Inc. Copies forwarded to all attorneys of record by attorney for Jay R. Reynolds.

CLOSED

May 31, 1995

Findings of Fact, Conclusions of Law and Brief in Support thereof filed by attorney for Bohlin, Powell, Larkin & Cywinski.

Copies forwarded to all attorneys of record by attorney for Bohlin, Powell, Larkin & Cywinski.

June 15, 1995

The Board rendered an Opinion and made the following Order: **AND NOW**, this 15th day of June, 1995, it is **ORDERED** and **DECREED** that this case be marked ~~settled and terminated with prejudice~~ only as to those claims made by Plaintiff, Jay R. Reynolds, Inc.®
Copies forwarded to all attorneys of record.

June 22, 1995

Acceptance of Service of Opinion and Order dated June 15, 1995 received from attorney for Jay R. Reynolds, Inc. Receipt of same acknowledged by attorney for Jay R. Reynolds, Inc. June 21, 1995.

June 23, 1995

Acceptance of Service of Opinion and Order dated June 15, 1995 received from attorney for Norflor Construction Corporation. Receipt of same acknowledged by Norflor Construction Corporation June 21, 1995.

July 2, 1996

The Board rendered an Opinion and made the following Order: **AND NOW**, this 2nd day of July, 1996, it is hereby **ORDERED, ADJUDGED** and **DECREED** that the Claimant, Norflor Construction Corporation is hereby awarded Five Hundred Ninety-Seven Thousand Eight Hundred Ninety-Seven Dollars and Ninety-Six Cents (\$597,897.96, (\$316,663.86 in damages, \$281,234.10 in retainage); less liquidated damages in the amount of One Hundred Ninety Thousand Dollars (\$190,000.00) which is hereby awarded to the Commonwealth of Pennsylvania, Department of General Services, against the Claimant, Norflor Construction Corporation for a net award to Norflor of Four Hundred Seven Thousand Eight Hundred Ninety-Seven Dollars and Ninety-Six Cents (\$407,897.96). From this award, Two Thousand Nine Hundred Sixty-Eight Dollars and Fifty Cents (\$2,968.50) is for the use of Davis Landscaping. Interest shall be awarded thereon at the rate of 6% per annum from January 5, 1989. Bohlin, Powell, Larkin & Cywinski is

hereby awarded the sum of Twenty-Three Thousand Six Hundred Forty-Six Dollars and Twenty-Five Cents (\$23,646.25), which is the retainage due it against the Commonwealth of Pennsylvania, Department of General Services, with interest at the rate of 6% per annum from July 2, 1987. All other claims are **DENIED**. Upon receipt of said award, Plaintiffs shall forthwith file with the Board of Claims a Praecipe to mark the case ~~closed~~, discontinued and ended with prejudice=. Each party to bear their own costs and attorney's fees.@ Copies forwarded to all attorneys of record and Chief Deputy Attorney General.

July 5, 1996

Acceptance of Service of Final Opinion and Order dated July 2, 1996 received from attorney for Plaintiff (Donn Fisher, Esquire). Receipt of same acknowledged by attorney for Plaintiff July 3, 1996.

July , 1996

Acceptance of Service of Final Opinion and Order dated July 2, 1996 received from Theodore A. Adler, Esquire. Receipt of same acknowledged by Theodore A. Adler, Esquire July 3, 1996.

July 10, 1996

Acceptance of Service of Final Opinion and Order dated July 2, 1996 received from Andrew Fylypovych, Esquire. Receipt of same acknowledged by Andrew Fylypovych, Esquire July 8, 1996.

July 12, 1996

Motion for Reconsideration and Proposed Order filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

July 17, 1996

Letter received from attorney for Plaintiff advising they oppose the Motion for Reconsideration and will be filing a Response to said Motion on or before July 24, 1996.

July 24, 1996

Response of Norflor Construction Corporation to Motion for Reconsideration of Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff.

August 15, 1996

Acceptance of Service of Final Opinion and Order date July 2, 1996, received from attorney for Defendant (Elizabeth A. O'Reilly, Esq.). Receipt of same acknowledged by attorney for Defendant July 3, 1996.

CLOSED

September 11, 1996

Motion to Withdraw the Commonwealth's Motion for Reconsideration filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

November 14, 1996

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

November 25, 1996

The Board rendered the following Order: **CLOSED** AND NOW, this 25th day of November, 1996, upon receipt of a Praecipe over the signature of Donna L. Fisher, Esquire on behalf of Plaintiff Jay Reynolds, Inc.; Norflor Construction Corporation; Jay Reynolds, Inc.; Norflor Construction Corp. and Bohlin Powell, Loken, Cywinski; Vincent-Paci Engineering Services, Inc. and Norflor Construction Corporation and M/R/Wallace Constructors, Inc., which states: "Please mark the claims in docket numbers 1364 and 1431 settled, discontinued and ended." same of which is docketed with this Board under date of November 14, 1996, it is ORDERED and DIRECTED that said cases be marked >settled, discontinued and ended with prejudice. @ Copy forwarded to all parties of record.

December 2, 1996

Acceptance of Service of Opinion and Order dated November 25, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 27, 1996.

December 31, 1996

Acceptance of Service of Opinion and Order dated November 25, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 27, 1996.