

Docket Number: 1366

L. Z. PAINTING COMPANY

David A. Klo, Esquire

Mark F. Brancato, Esquire

CLOSED

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF MILITARY AFFAIRS, STATE ARMORY BOARD

Timothy Wright, Chief Counsel

**May 2, 1989**

Claim and filing fee filed by Plaintiff, additional information to be requested. Amount of Claim: [AMOUNT]

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**May 8, 1989**

Notice of Claim letter with enclosure forwarded to attorney for Defendant.

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**May 8, 1989**

Letter forwarded to Plaintiff requesting additional information. Copy forwarded to attorney for Defendant.

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**May 16, 1989**

Acceptance of Service of Statement of Claim dated May 2, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant at May 16, 1989.

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**August 1, 1989**

Answer to Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 11, 1990**

Amended Complaint filed by attorney for Plaintiff. Amount of Claim: \$166,225.30+.

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**June 21, 1990**

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

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**June 28, 1990**

Acceptance of Service of Complaint and Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 25, 1990.

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**July 3, 1990**

Acceptance of Service of Complaint and Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 2, 1990.

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**September 28, 1990**

Answer to Complaint and Counterclaim filed by attorney for Defendant.  
Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 13, 1991**

Motion for Judgment on the Pleadings, Memorandum of Law in Support of Motion for Judgment on the Pleadings and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 5, 1991**

Memorandum of Law in Support of Defendant's Motion for Judgment on the Pleadings and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 19, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of June, 1991, the request of the Plaintiff directed to the Counterclaim of the Defendant will be granted in accordance with the following: 1. PARAGRAPH NO. 68 OF THE COUNTERCLAIM OF THE DEFENDANT WHEREIN AFFIRMATIVE ACTION ON BEHALF OF THE PLAINTIFF IS REQUESTED, IS STRICKEN FROM THE COMPLAINT. THE REMAINING ALLEGATIONS OF THE COUNTERCLAIM EVIDENCING A SET-OFF THAT THE DEFENDANT MAY HAVE IN THIS MATTER IS STILL PART OF THE RECORD AND ANY MONETARY VALUE OF THE PUNCH LIST WILL BE CONSIDERED AS A SET OFF BY THE BOARD." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 28, 1991**

Acceptance of Service of Opinion and Order dated June 19, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 24, 1991.

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**July 1, 1991**

Acceptance of Service of Opinion and Order dated June 19, 1991, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 26, 1991.

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**July 2, 1992**

Hearing scheduled for September 15 through September 18, 1992, if necessary, in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg Pennsylvania at 10:00 a.m.

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**September 15, 1992**

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

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**September 16, 1992**

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

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**September 17, 1992**

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

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**September 29, 1992**

Transcribed excerpt of Settlement Agreement between the parties filed by Commonwealth Reporting Company.

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**October 15, 1992**

Testimony for hearing held September 15, 16 and 17, 1992 filed.

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**October 16, 1992**

Copy of testimony for hearing held September 15, 16 and 17, 1992 forwarded to attorney for Defendant.

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**October 23, 1992**

Acceptance of Service of Service of testimony for hearing held September 15, 16 and 17, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 20, 1992.

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**January 14, 1993**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 14th day of January, 1993, upon due consideration of the Stipulation of Settlement placed on the record by the parties and other submissions, it is hereby **ORDERED** and **DECREED** that Defendant, Commonwealth of Pennsylvania, Department of Military Affairs, State Armory Board, shall pay to Plaintiff, L. Z. Painting Company, the sum of Fifty-Five Thousand Dollars (\$55,000.00) in the manner stipulated, which amount shall include the Fifty-Dollar (\$50.00) filing fee paid by the Plaintiff to commence this action, in full satisfaction and settlement of the matter. It is noted that the Board has herein directed that the Plaintiff has acknowledged receipt of Forty-Eight Thousand Eight Hundred Eighty Dollars (\$38,880.00) of the awarded settlement sum of \$55,000.00. As a result, it is **ORDERED** that the Defendant shall pay the remaining balance due hereunder in the sum of Sixteen Thousand One Hundred Twenty Dollars (\$16,120.00). Plaintiff shall withdraw its Claim and upon payment of the within award, file a praecipe with the Board of Claims requesting that the matter be marked settled and discontinued with prejudice. Each party to bear its own costs and attorneys' fees other than the filing fee which was included in the award." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

**January 25, 1993**

Acceptance of Service of Opinion and Order dated January 14, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 20, 1993.

**January 28, 1993**

Acceptance of Service of Opinion and Order dated January 14, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 22, 1993.

**March 2, 1993**

Praecipe For Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**March 5, 1993**

The Board made the following Order: "**AND NOW**, this 5th day of March , 1993, pursuant to Praecipe for Discontinuance filed by Mark F. Brancato, Esquire representing Plaintiff, L. Z. Painting Company, received by this Board under date of March 2, 1993, it is hereby **ORDERED** and **DIRECTED** that the case be marked 'settled, discontinued and ended with prejudice'." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 11, 1993**

Acceptance of Service of Order dated March 5, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 9, 1993.

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**March 12, 1993**

Acceptance of Service of Order dated March 5, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 9, 1993.

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