

Docket Number: 1375

MELE CONSTRUCTION COMPANY, INC.

W. Boyd Hughes, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Keith E. Welks, Chief Counsel

Edward Morris, Assistant Counsel

**June 13, 1989**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$\$337,286.30.

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**June 19, 1989**

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

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**June 21, 1989**

Acceptance of Service of Complaint received from attorney for Defendant. receipt of same acknowledged by attorney for Defendant June 20, 1989.

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**June 30, 1989**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 29, 1989.

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**July 19, 1989**

Answer to Complaint of Mele Construction Company, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 18, 1989**

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

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**February 13, 1990**

Plaintiff's Answers to Defendant's First Set of Interrogatories with attached Documentation in Accordance with Request to Produce filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 26, 1990**

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

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**November 26, 1990**

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

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**March 22, 1991**

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

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**March 28, 1991**

Second Set of Interrogatories and Second Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 20, 1991**

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

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**September 1, 1991**

Hearing scheduled for March 10, 11, 12 and 13, 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 26, 1991**

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

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**February 14, 1992**

Commonwealth of Pennsylvania, Department of Environmental Resources' Motion to Compel Answers to Request For Interrogatories and Production of Documents and In Lieu Thereof For Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 21, 1992**

Mele's Response to Third Set of Interrogatories and Third Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 5, 1992**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 5th day of March, 1992, it is **ORDERED** and **DECREED** that the Motion to Compel filed on February 14, 1992, is hereby **DISMISSED** as being moot.

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**March 10, 1992**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building Harrisburg, Pennsylvania commencing at 10:40 a.m.

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**March 11, 1992**

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

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**March 11, 1992**

Letter/Amendment to Plaintiff's Answer to Interrogatory 2(d) of Defendant's First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 12, 1992**

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

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**March 13, 1992**

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

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**April 10, 1992**

Testimony for hearing held March 10, 11, 12, and 13, 1992, filed.

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**April 14, 1992**

Copies of testimony for hearing held March 10, 11, 12, and 13, 1992, forwarded to attorney for Defendant.

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**April 21, 1992**

Acceptance of Service of testimony for hearing held March 10, 11, 12, and 13, 1992, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 16, 1992.

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**June 5, 1992**

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

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July 2, 1992

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

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October 22, 1993

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 22nd day of October, 1993, it is hereby **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation is indebted unto the Plaintiff, Mele Construction Co., Inc. in the full and true sum of One Hundred Fifty-Four Thousand Seven Hundred Fifty-One Dollars and Forty-Five Cents (\$154,751.45) together with interest at the legal rate of six percent (6%) per annum from the date of the filing of the Complaint with the Board of Claims, which is June 13, 1989. 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.' All parties to bear their own costs and attorneys' fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

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October 27, 1993

Acceptance of Service of Opinion and Order dated October 22, 1993 received from Chief Deputy Attorney General. Receipt of same acknowledged Chief Deputy Attorney General October 26, 1993.

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October 29, 1993

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 25, 1993.

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**November 17, 1993**

The Board made the following Amended Order: **"AND NOW**, this 17th day of November, 1993, it is hereby **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Environmental Resources, is indebted unto the Plaintiff, Mele Construction Co., Inc., in the full and true sum of One Hundred Fifty-Four Thousand Seven Hundred Fifty-One Dollars and Forty-Five Cents (\$154,751.45) together with interest at the legal rate of six percent (6%) per annum from the date of the filing of the Complaint with the Board of Claims, which is June 13, 1989. 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. All parties to bear their own costs and attorneys' fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

**CLOSED**

Acceptance of Service of Opinion and Order dated November 15, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 17, 1993.

**November 22, 1993**

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.

**November 23, 1993**

Acceptance of Service of Order dated November 17, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 19, 1993.

**November 23, 1993**

acceptance of Service of Order dated November 17, 1993 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 19, 1993.

**December 6, 1993**

Copy of Cross-Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff.

**December 15, 1993**

Petition for Review received from Commonwealth Court. [No. 2884 C.D. 1993]

**December 17, 1993**

Cross-Petition for Review received from Commonwealth Court. [No. 2740 C.D. 1993]

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**January 24, 1994**

File transferred to Commonwealth Court.

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**August 30, 1994**

Copy of Order received from Commonwealth Court. Order as follows:  
"NOW, June 23, 1994, Petitioner/Appellant having failed to file briefs and reproduced record pursuant to this Court's previous Order, the above action is dismissed as of course."

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**August 30, 1994**

File returned from Commonwealth Court.

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**CLOSED**