

Docket Number: 1388

THE CONDUIT AND FOUNDATION CORPORATION and  
BUCKLEY & COMPANY, INC, and  
ELLIOT-LEWIS CORPORATION, A JOINT VENTURE

Peter F. Marvin, Esquire

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
~~\*SECRETARY OF TRANSPORTATION~~  
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~

James W. Kutz, Assistant Counsel

**August 22, 1989**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$25,826.11+.

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**August 25, 1989**

Copies of Complaint and filing fee forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 29, 1989**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 28, 1989.

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**CLOSED**

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

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**October 6, 1989**

Praecipe for Entry of Appearance filed by James W. Kutz, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**\*March 8, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 8th day of March, 1990, a Rule to Show Cause is **ISSUED** upon Defendant, Commonwealth of Pennsylvania, Secretary of Transportation, wherein it is **DIRECTED** that Defendant file its Brief in Support of its Preliminary Objections on or before March 30, 1990.

This Rule shall become absolute and judgment will be entered for the Plaintiff in the event the Board of Claims does not receive a response to said Rule by said date. The alternative, should the Defendant respond to the Rule by said date. The alternative, should the Defendant respond to the Rule to Show Cause and file its Brief in Support of its Preliminary Objections on or before March 30, 1990 a rule to Show Cause is **ISSUED** to Plaintiffs wherein it is **DIRECTED** that Plaintiffs shall file their Briefs in Opposition on or before April 20, 1990. This Rule shall also become absolute and the case shall be marked closed and settled

**\*March 8, 1990 (cont'd)**

with prejudice in the event the Board of Claims does not receive a response to said Rule by the Plaintiffs. It is further **ORDERED** and **DECREED** that the caption of the case shall hereafter read as follows:

COMMONWEALTH OF PENNSYLVANIA  
THE CONDUIT AND FOUNDATION : BEFORE THE BOARD OF CLAIMS  
CORPORATION and :  
BUCKLEY AND COMPANY, INC. and :  
ELLIOT-LEWIS CORPORATION, :  
A JOINT VENTURE :  
VS. :

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :  
Copies

DOCKET NO. 1388"

Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 9, 1990**

Acceptance of Service of Opinion and Order dated March 8, 1990, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 8, 1990.

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**March 16, 1990**

Acceptance of Service of Opinion and Order dated March 8, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 12, 1990.

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**March 16, 1990**

Praecipe of Service of Opinion and Order dated March 8, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 12, 1990.

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**April 26, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 26th day of April, 1990, based on the representations of the attorneys for the parties and the inquiries made by the Board's Senior Counsel, it is **ORDERED** and **DECREED** that this Claim be, and is hereby dismissed with prejudice. It is further **ORDERED** and **DECREED** that the Preliminary Objections currently pending before the Board are dismissed, same having been rendered moot in light of the amicable settlement. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 27, 1990**

The Board rendered an Amended Opinion and made the following Order: **"AND NOW,** this 27th day of April, 1990, based on the representations of the attorneys for the parties and the inquiries made by the Board's Senior Counsel, it is **ORDERED** and **DECREED** that this Claim be, and is hereby dismissed with prejudice. It is further **ORDERED** and **DECREED** that the Preliminary Objections currently pending before the Board are dismissed, same having been rendered moot in light of the amicable settlement. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 27, 1990**

Acceptance of Service of Opinion and Order dated April 26, 1990, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 26, 1990.

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**May 1, 1990**

Acceptance of Service of Amended Opinion and Order dated April 27, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 26, 1990.

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**May 2, 1990**

Acceptance of Service of Opinion and Order dated April 26, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 30, 1990.

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**May 2, 1990**

Acceptance of Service of Amended Opinion and Order dated April 27, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 30, 1990.

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# CLOSED