

Docket Number: 1392

THE RUHLIN COMPANY

Michael R. Stith, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~
~~James W. Kutz, Assistant Counsel~~

September 13, 1989

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$6,166,665.00+.

September 14, 1989

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

September 18, 1989

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 15, 1989.

CLOSED

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 19, 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.

November 1, 1989

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

December 12, 1989

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

January 17, 1990

Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 24, 1990

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

January 29, 1990

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 26, 1990.

February 7, 1990

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 26, 1990.

February 21, 1990

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

March 6, 1990

Brief in Support of Department's Preliminary Objections to Plaintiff's Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 27, 1990

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

August 29, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of August, 1990, upon consideration of the Preliminary Objections filed on behalf of the Defendant, Commonwealth Of Pennsylvania, Department of Transportation, and against the Plaintiff, The Ruhlin Company, as to the Amended Complaint filed by Plaintiff, it is hereby **ORDERED** that the Preliminary Objections in the Nature of a Demurrer as to Counts 11 12, 13 and 16, are hereby **DENIED**. The Commonwealth's Preliminary Objection in the nature of a Motion to Strike Due to Impertinent Matter, related to Count 16 of Plaintiff's Complaint, is hereby **GRANTED**, and Count 16 of Plaintiff's Complaint is hereby **STRICKEN** because of impertinent matter, pursuant to Pa. R.C.P. 1017(b)(2)." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 31, 1990

Acceptance of Service of Opinion and Order dated August 29, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 30, 1990.

September 12, 1990

Acceptance of Service of Opinion and Order dated August 29, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 4, 1990.

September 25, 1990

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 13, 1990

Response to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 20, 1991

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

November 25, 1992

Praeipie for Voluntary Dismissal of Action filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 27, 1993

Motion to Memorialize Settlement (Copy of Agreement and Release Attached), executed by parties, as well as Proposed Order filed by Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 20, 1993

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 20th day of May, 1993, upon due consideration of the Agreement and Release and other submissions, including the Praeipie filed on November 25, 1992, it is **ORDERED** that the Board of Claims accepts and approves the Agreement and Release of the parties. It is further **ORDERED** that the Praeipie filed by counsel for the Plaintiff on November 25, 1992, is hereby accepted as a Praeipie to Discontinue and End the instant case. The case docketed to No.

1392 shall be marked 'satisfied, discontinued and ended with
May 20, 1993 (cont'd)

prejudice.' Each party to bear its own costs and attorneys' fees."
Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 24, 1993

Acceptance of Service of Opinion and Order dated May 20, 1993 received
from attorney for Defendant. Receipt of same acknowledged by
attorney for Defendant May 21, 1993.

May 26, 1993

Acceptance of Service of Opinion and Order dated May 20, 1993 received
from attorney for Plaintiff. Receipt of same acknowledged by
attorney for Plaintiff May 24, 1993.

CLOSED