

Docket Number: 1401

Consolidated with Docket Nos. 1287, 1364 & 1431

JAY R. REYNOLDS, INC.

Theodore A. Adler, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

Elizabeth L. O'Reilly, Assistant Counsel
Jose E. Morales, Assistant Counsel

VS.

***NORFLOR CONSTRUCTION CORP. and BOHLIN, POWELL, LARKIN & CYWINSKI**

Donna L. Fisher, Esquire
Patrick W. Liddle, Esquire

VS.

VINOKUR-PACE ENGINEERING SERVICES, INC.

Bruce D. Lombardo, Esquire
Andrew Fylypovych, Esquire

October 26, 1989

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim:\$514,987.27+.

October 30, 1989

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

November 6, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 5, 1989.

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 2, 1989.

Preliminary Objections and Brief in Support of Preliminary Objections filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

December 1, 1989

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.

January 3, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 3rd day of January, 1990, the Preliminary Objections as filed by the Defendant are **DENIED.** The Defendant is directed to file appropriate pleadings within thirty (30) days of the date of this Opinion." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

January 10, 1990

Acceptance of Service of Opinion and Order dated January 3, 1990, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 5, 1990.

January 11, 1990

Acceptance of Service of Opinion and Order dated January 3, 1990, received from attorney for Defendant. receipt of same acknowledged by attorney for Defendant January 4, 1990.

February 8, 1990

Motion for Default Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

***February 28, 1990**

Defendant's Answer and Crossclaims, Complaint to Join Norflor as a Third Party Defendant and Complaint to Join Bohlin, Powell, Larken and Cywinski as Third Party Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff, attorney for additional Defendant (Norflor Construction Corp.), and attorney for additional Defendant (Bohlin, Powell, Larken, Cywinski) by attorney for Defendant.

March 5, 1990

Copy of Defendant's Answer and Crossclaims, Complaint to Join Norflor as Third Party Defendant and Complaint to Join Bohlin, Powell, Larkin, Cywinski as Third Party Defendant forwarded to Chief Deputy Attorney General.

March 9, 1990

Acceptance of Service of Defendant's Answer and Crossclaims received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 6, 1990.

March 22, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 22nd day of March, 1990, it is **ORDERED** and **DIRECTED** that the Motion for Judgment be, and is hereby, **DISMISSED**, the issue having been rendered **MOOT** by the filing of Defendant's Answer.

March 27, 1990

Acceptance of Service of Opinion and Order dated March 22, 1990, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 23, 1990.

March 27, 1990

Acceptance of Service of Opinion and Order dated March 22, 1990, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 23, 1990.

April 2, 1990

Interrogatories of Plaintiff, Jay R. Reynolds, Inc., to Defendant, Department of General Services (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 9, 1990

Preliminary Objection of Additional Defendant and Brief in Support of Preliminary Objection filed by attorney for Additional Defendant (Bohlin, Powell, Larkin & Cywinski). Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant (Bohlin, Powell, Larkin, Cywinski).

Entry of Appearance filed by Patrick W. Liddle, attorney for Additional Defendant, Bohlin, Powell, Larkin, Cywinski. Copies forwarded to all parties by attorney for Additional Defendant, Bohlin, Powell, Larkin, Cywinski.

May 4, 1990

Answer and New Matter of Norflor Construction Corporation to Third Party Complaint of Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant (Norflor Construction Corp.). Copy forwarded to attorneys for all parties by attorney for Additional Defendant (Norflor Construction Corp.).

May 31, 1990

Answer of Defendant Commonwealth of Pennsylvania, Department of General Services to the New Matter of Norflor Construction Corporation Additional Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

August 22, 1990

Brief of the Commonwealth of Pennsylvania, Department of General Services, in Opposition to the Preliminary Objection of Additional Defendant Bohlin, Powell, Larkin & Cywinski filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendants by attorney for Defendant.

January 22, 1991

Interrogatories of Plaintiff, Jay R. Reynolds, Inc., Directed to Defendant, Department of General Services (Second Set) filed by attorney for Plaintiff. Copy forwarded to attorneys for all parties by attorney for Plaintiff.

January 22, 1991

Motion to Produce Documents filed by attorney for Plaintiff. Copy forwarded to attorneys for all parties by attorney for Plaintiff.

March 7, 1991

The Court rendered an Opinion and made the following Order: "AND NOW, this 7th day of March, 1991, the request of the Additional Defendant, to dismiss the case against it as sounding in tort rather than in contract, is hereby **DENIED** and the Additional Defendant is granted thirty (30) days to file responsive pleadings in accordance with this Order." Copies forwarded to attorneys for all parties.

March 12, 1991

Acceptance of Service of Opinion and Order dated March 7, 1991 received from attorney of Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 8, 1991.

March 13, 1991

Acceptance of Service of Opinion and Order dated March 7, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 2, 1991.

May 16, 1991

Answer, New matter and Counterclaim of Bohlin Powell Larkin Cywinski filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant.

June 5, 1991

Defendant's Response to Plaintiff's First Set of Interrogatories

filed by Elizabeth O'Reilly, Assistant Counsel (Department of General Services). Copies forwarded to all parties by attorney for Defendant.

June 13, 1991

Answer of Defendant, Commonwealth of Pennsylvania, Department of General Service, to the New Matter and Counterclaim of Bohlin, Powell, Larkin & Cywinski, Additional Defendant filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorneys for Additional Defendants by attorney for Defendant.

July 18, 1991

Notice of Depositions of Edward Ritter, Harry Sieg, Donald Levan and Robert Poffenberger filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 18, 1991

Motion for Leave to Join Additional Defendant. Brief in support of Motion for Leave to Join Additional Defendant and proposed order filed by attorney for Additional Defendant. Copies forwarded to all parties by attorney for Additional Defendant.

August 12, 1991

Interrogatories of Plaintiff Addressed to Bohlin, Powell, Larkin, Cywinski filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and attorneys for Additional Defendants by attorney for Plaintiff.

August 21, 1991

Notice of Rescheduled Depositions of Donald Levan, Robert Poffenberger, Edward Ritter and Harry Sieg filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and attorneys for Additional Defendants by attorney for Plaintiff.

****August 30, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 30th day of August, 1991, after due consideration of the Motion of Second-Party Defendants, Bohlin, Powell, Larkin, Cywinski, for Leave to Join Additional Defendant, Vinokur-Pace Engineering Services, Inc., as a Third-Party Defendant to the above-captioned matter, said request in **GRANTED** and Bohlin, Powell, Larkin, Cywinski, Second-Party Defendant, is directed to file its

August 30, 1991 (contd)

Complaint against Vinokur-Pace Engineering Services, Inc., within

thirty (30) days. Hereinafter, the caption of the case shall read as follows: "JAY R. REYNOLDS, INC. VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES VS. NORFLOR CONSTRUCTION CORP. and BOHLIN, POWELL, LARKEN, CYWINSKI Additional Defendants VS. VINOKUR-ACE ENGINEERING SERVICES, INC. Third-Party Additional Defendants, BEFORE THE BOARD OF CLAIMS, DOCKET NO. 1401."

Copies forwarded to attorney for Plaintiff, attorney for Defendant, and attorneys for Additional Defendants.

September 6, 1991

Acceptance of Service of Opinion and Order dated August 30, 1991 received from attorney for Additional Defendant (Norflor Construction Corp.). Receipt of same acknowledged by attorney for Additional Defendant September 3, 1991.

September 9, 1991

Acceptance of Service of Opinion and Order dated August 30, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 4, 1991.

September 9, 1991

Acceptance of Service of Opinion and Order dated August 30, 1991 received from attorney for Additional Defendant (Bohlin, Powell, Larkin, Cywinski). Receipt of same acknowledged by attorney for Defendant September 3, 1991.

September 11, 1991

Acceptance of Service of Opinion and Order dated August 30, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 3, 1991.

September 19, 1991

Complaint of Additional Defendant, Bohlin, Powell, Larkin, Cywinski, filed by attorney for Additional Defendant (Bohlin, Powell, Larkin, Cywinski). Copies forwarded to attorneys for all parties and Third-Party Additional Defendants, by attorney for Additional Defendant.

September 23, 1991

Copy of Complaint of Additional Defendant, Bohlin, Powell, Larkin, Cywinski, forwarded to attorney for Additional Defendant.

September 24, 1991

Plaintiff's Motion to Compel Defendant, DGS, to File Answers to Interrogatories (2nd Set) and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorneys for all parties by attorney for Plaintiff.

October 2, 1991

Acceptance of Service of Complaint of Additional Defendant, Bohlin, Powell, Larkin & Cywinski received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 24, 1991.

October 10, 1991

Entry of Appearance filed by Mr. Tomardo, attorney for Third-Party Additional Defendant. Copies forwarded to attorneys of all parties by attorney for Third-Party Additional Defendant.

October 17, 1991

The Board made the following Order: **"AND NOW**, this 17th day of October, 1991, Defendant, Department of General Services, it is hereby ordered to file answers to Interrogatories of Plaintiff to Defendant, Department of General Services (2nd Set) within thirty (30) days of the date of this Order or suffer the imposition of sanctions." Copies forwarded to attorney for Plaintiff, attorney for Defendant, attorneys for Additional Defendant.

October 21, 1991

Acceptance of Service of Order dated October 17, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 18, 1991.

November 1, 1991

Acceptance of Service of Order dated October 17, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 18, 1991.

November 1, 1991

Acceptance of Service of Order dated October 17, 1991 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant October 29, 1991.

November 13, 1991

Acceptance of Service of Order dated October 17, 1991 received from attorney for Third-Party Additional Defendant. Receipt of same acknowledged by Third-Party Additional Defendant October 22, 1991.

November 13, 1991

Stipulation Between Counsel for Bohlin, Powell, Larkin & Cywinski & Counsel for Vinokur-Pace Engineering Services, Inc. executed by attorney for Additional Defendants and attorney for Third-Party Additional Defendant filed by attorney for Third-Party Additional.

November 18, 1991

Stipulation Between Counsel for Bohlin, Powell, Larkin & Cywinski & Counsel for Vinokur-Pace Engineering Services, Inc. signed by Judge Pace.

November 18, 1991

Answer, New Matter and Counterclaim of Vinokur-Pace Engineering Services, Inc. filed by attorney for Third-Party Additional Defendant. Copy forwarded to all parties of record by attorney for Third-Party Additional Defendant.

November 19, 1991

Copy of Stipulation Between Counsel for Bohlin, Powell, Larkin & Cywinski & Counsel for Vinokur-Pace Engineering Services, Inc. forwarded to all parties of record.

November 19, 1991

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

November 25, 1991

Exhibit "A" to Answer, New Matter and Counterclaim of Vinokur-Pace Engineering Services, which was inadvertently omitted, filed by attorney for Third-Party Additional Defendant.

November 27, 1991

Acceptance of Service of Stipulation Between Counsel for Bohlin, Powell, Larkin & Cywinski & Counsel for Vinokur-Pace Engineering Services, Inc. received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 20, 1991.

December 2, 1991

Acceptance of Service of Stipulation Between Counsel for Bohlin, Powell, Larkin & Cywinski & Counsel for Vinokur-Pace Engineering Services, Inc. received from attorney Defendant. Receipt of same acknowledged by attorney for Defendant November 20, 1991.

December 5, 1991

Copies of Exhibit "A" of the Answer, New Matter and Counterclaim of Vinokur-Pace Engineering Services, Inc. forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendants.

December 6, 1991

Acceptance of Service of Stipulation Between Counsel for Bohlin, Powell, Larkin & Cywinski & Counsel for Vinokur-Pace Engineering Services, Inc. received from attorney for Third-Party Additional Defendant. Receipt of same acknowledged by attorney for Third-Party Additional Defendant November 20, 1991.

CLOSED

December 9, 1991

Reply and Answer of Jay R. Reynolds, Inc. to New Matter and Counterclaim of Vinokur-Pace Engineering Services, Inc. filed by attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

December 12, 1991

Acceptance of Service of Exhibit "A" of the Answer, New Matter and Counterclaim of Vinokur-Pace Engineering Services, Inc. received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 9, 1991.

December 12, 1991

Acceptance of Service of Exhibit "A" of the Answer, New Matter and Counterclaim of Vinokur-Pace Engineering Services, Inc. received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant December 9, 1991.

December 30, 1991

Acceptance of Service of Exhibit "A" of the Answer, New Matter and Counterclaim of Vinokur-Pace Engineering Services, Inc., filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 10, 1991.

January 6, 1992

Reply and Answer of Commonwealth of Pennsylvania, Department of General Services to New Matter and Counterclaim of Vinokur-Pace Engineering Services, Inc. filed by attorney for Defendant. Copies forwarded to all counsel of record by attorney for Defendant.

January 23, 1992

Motion for Sanctions and Brief in Support of Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff.

February 26, 1992

Bohlin, Powell, Larkin, Cywinski's Reply to New Matter and Answer to Counterclaim of Vinokur-Pace Engineering Services, Inc. filed by attorney for Additional Defendant. Copy forwarded to all counsel of record by attorney for Additional Defendant.

CLOSED

March 5, 1992

Petition for Leave to Amend Counterclaim of Additional Defendant Bohlin Powell Larkin Cywinski, Memorandum of Law in Support of Additional Defendant, Bohlin Powell Larkin Cywinski's Petition for Leave to Amend Counterclaim, and Proposed Order filed by attorney for Additional Defendant. Copies forwarded to all counsel of record by attorney for Additional Defendant.

April 9, 1992

The Board rendered an Opinion and made the following Order: "AND NOW, this 9th day of April, 1992, the request of the Additional Defendant, Bohlin, Powell, Larkin, Cywinski, is **GRANTED**, and said Additional Defendant is allowed to file the Amended Counterclaim within thirty (30) days from the exit date of this Order." Copies forwarded to all counsel of record.

April 16, 1992

The Board rendered an Opinion and made the following Order: "AND NOW, this 9th

day of April, 1992, the request of the Additional Defendant, Bohlin, Powell, Larkin, Cywinski, is **GRANTED**, and said Additional Defendant is allowed to file the Amended Counterclaim within thirty (30) days from the exit date of this Order.” Copy forwarded to all counsel of record.

April 16, 1992

The Board rendered an Opinion and made the following Order: “**AND NOW**, this 16th day of April, 1992, the Defendant is **DIRECTED** to produce documents in accordance with the Pennsylvania Rules of Civil Procedure and in accordance with the request of the Plaintiff.” Copy forwarded to all counsel of record.

April 16, 1992

CLOSED

Acceptance of Service of Opinion and Order dated April 9, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 10, 1992.

April 17, 1992

Acceptance of Service of Opinion and Order dated April 9, 1992 received from attorney for Third-Party Additional Defendant. Receipt of same acknowledged by attorney for Third-Party Additional Defendant April 13, 1992.

April 17, 1992

Acceptance of Service of Opinion and Order dated April 9, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 10, 1992.

April 21, 1992

Acceptance of Service of Opinions and Orders dated April 16, 1992 received from attorney for Plaintiff. Receipt to of same acknowledged by attorney for Plaintiff April 17, 1992.

April 21, 1992

Acceptance of Service of Opinions and Orders dated April 16, 1992 received from

attorney for Additional Defendant (Norflor Construction Corp.). Receipt of same acknowledged by attorney for Additional Defendant April 17, 1992.

April 21, 1992

Acceptance of Service of Opinions and Orders dated April 9, 1992 received from attorney for Additional Defendant (Bohlin, Powell, Larkin, Cywinski). Receipt of same acknowledged by attorney for Additional Defendant April 13, 1992.

CLOSED

April 21, 1992

Acceptance of Service of Opinions and Orders dated April 16, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 21, 1992.

April 28, 1992

Acceptance of Service of Opinions and Orders dated April 16, 1992 received from attorney for Additional Defendant (Bohlin, Powell, Larkin, Cywinski). Receipt of same acknowledged by attorney for Additional Defendant April 21, 1992.

CLOSED

April 28, 1992

Acceptance of Service of Opinions and Orders dated April 16, 1992 received from attorney for Third-Party Additional Defendant. Receipt of same acknowledged by attorney for Third-Party Additional Defendant April 21, 1992.

May 1, 1992

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

May 11, 1992

Answer, New Matter and Amended Counterclaim of Bohlin Powell Larkin Cywinski filed by attorney for Additional Defendant. Copy forwarded to all parties by attorney for Additional Defendant.

***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 the 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 no party will be prejudiced by this Order. All pleadings set forth, herein, shall include all docket numbers, as above-mentioned, Docket No.

Docket No. 1401

1287, Docket No. 1364, Docket No. 1401 and Docket No. 1431.” Copy forwarded to all parties of record.

CLOSED

May 18, 1992

Defendant's Supplemental Answers to Plaintiff's Second Set of Interrogatories filed by attorney for Defendant. Copy forwarded to all parties.

May 21, 1992

Acceptance of Service of Opinion and Order dated May 18, 1992 received from attorney for Additional Defendant (Donna L. Fisher, Esquire). Receipt of same acknowledged by attorney for Additional Defendant May 19, 1992.

May 28, 1992

Acceptance of Service of Opinion and Order dated May 18, 1992 received from attorney for Additional Defendant (Bruce D. Combs, Esquire). Receipt of same acknowledged by attorney for Additional Defendant May 19, 1992.

May 28, 1992

Acceptance of Service of Opinion and Order dated May 18, 1992 received from attorney for Jay R. Reynolds, Inc. (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Jay R. Reynolds, Inc. May 21, 1992.

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 1, 1992

Acceptance of Service of Opinion and Order dated May 18, 1992 received from attorney for Defendant (Elizabeth A. O'Reilly, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant May 19, 1992.

***June 18, 1992**

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

September 30, 1992

Plaintiff's Answers to Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for all parties by attorney for Plaintiff.

November 9, 1992

Notice of Deposition of John Samson filed by attorney for Additional Defendants. Copy forwarded to all attorneys of record by attorney for Additional Defendants.

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 Defendant. Copy forwarded to attorneys for all parties by attorney for Defendant.

August 26, 1993

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

September 16, 1993

Praecipe for Withdrawal of Appearance of Catherine A. Foley, Co-Counsel for Defendant, as well as 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 J. 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**.”

Copy forwarded to all attorneys of record.

October 14, 1993

Acceptance of Service of Opinion and Order dated October 12, 1993 received from attorney for Additional Defendant (Donna L. Fisher, Esquire). Receipt of same acknowledged by attorney for Additional Defendant October 13, 1993.

October 15, 1993

Entry of Appearance of Andrew Fylypovych, Esquire, on behalf of Third-Party Additional Defendant, filed by attorney for Third-Party Additional Defendant. Copy forwarded to all attorneys of record by attorney for Third-Party Additional Defendant.

October 15, 1993

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

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 W. Liddle, Esquire). Copy forwarded to all attorneys of record by attorney for Additional Defendant.

December 6, 1993

Hearing schedule for August 2, 3, 4 and 5, 1994; August 8, 9, 10, 11 and 12, 1994; as well as August 15, 16, 17, 18 and 19, 1994, in Board's Courtroom 1, Room 707 Transportation and Safety Bldg., Harrisburg, PA commencing at 9:30 a.m.

January 10, 1993

Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services to Norflor 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 of 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 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.

February 17, 1994

Response of Jay R. Reynolds, Inc. to Commonwealth of Pennsylvania, Department of General Services, Request for Production of Documents filed by attorney for Plaintiff. 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 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).

CLOSED

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

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 **DISMISSED** as being **MOT**. Copies forwarded to all attorneys of record.”

May 1994

Acceptance of Service of Opinion and Order dated April 29, 1994 received from attorney for Additional Defendant (Donna L. Fisher). Receipt of same acknowledged by attorney for Additional Defendant April 29, 1994.

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: “**AND 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 1, 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 July 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 27, 1994.” Copies forwarded to all attorneys of record.

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 Ray 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.

CLOSED

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 Non-Suit 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: “**AND NOW**, this 23rd day of August, 1994, the Motion for Sanctions requesting entry of an Order dismissing the Complaint docketed to number 364 and from precluding any testimony relating to the rejection of the prefabricated metal wall and roof system as alleged in Count IV in docket No. 431, as filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, is hereby **GRANTED**. 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 28, 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 r, 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 15, 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.

CLOSED

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 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.

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.

October 23, 1996

Settlement Agreement and Release filed by attorney for Defendant (Department of General Services). Copy forwarded to all parties of record by attorney for Defendant.

November 11, 1996

Praecipe to Settle, Discontinue and End Docket Nos. 1364 and 1431 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 25, 1996

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 25th day of November, 1996, the Board of Claims accepts the Settlement and Release Agreement. When the parties have received the funds under the terms of this Agreement, they are directed to file a Praecipe to close and terminate the case with prejudice. Each party to bear its own costs and attorneys' fees." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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 17, 1996.
