

Docket Number: 1406
*Consolidated with Docket No. 1239

****CASEY COMPANY on its own behalf and to the use of COST CORPORATION
AND PITTSBURGH FLEXICORE COMPANY**

Carleton O. Strouss, Esquire
Richard G. Kotarba, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

John J. Buchy, Chief of Litigation

December 8, 1989

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$1,792.747.32+.

December 14, 1989

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

December 27, 1989

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 18, 1989.

CLOSED

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

March 8, 1990

Proposed Order and Stipulation for Intervention executed by attorney for Plaintiff, attorney for Cost Corporation and attorney for Defendant and filed by attorney for Cost Corporation.

March 12, 1990

Stipulation to Consolidate Actions and Proposed Order Approving Stipulation to Consolidate Actions filed by attorney for Plaintiff. executed by parties.

***March 14, 1990**

The Board made the following Order: "The Stipulation to Consolidate Actions is hereby approved this 14th day of March, 1990." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 19, 1990

Acceptance of Service of Order dated March 14, 1990, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 16, 1990.

March 19, 1990

Acceptance of Service of Order dated March 14, 1990, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 16, 1990.

June 21, 1990

First Set of Continuing Interrogatories Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 21, 1990

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

July 3, 1990

Stipulation for intervention was filed in Docket No. 1406 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 19, 1990

Hearing scheduled for July 9 through July 12, 1991; July 16 through July 19, 1991; July 23 through July 26, 1991; as well as July 30 through August 2, 1991, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

November 20, 1990

Defendant's Answers and Objections to First Set of Continuing Interrogatories Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 21, 1990

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

December 14, 1990

Motion for Leave to Join TKA/HDR, a Joint Venture; Tasso Katselas Associates, Inc.; and Henningson, Durham and Richardson, Inc. as Additional Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney

for Defendant.

January 4, 1991

Copies of Motion for Leave to Join TKA/HDR, a Joint Venture, Tasso Katselas Associates, Inc.; and Henningson, Durham and Richardson, Inc. as Additional Defendants forwarded to Proposed Additional Defendants.

January 16, 1991

Praecipe for Appearance filed by W. Arch Irvin, Jr., Esquire on behalf of Proposed Additional Defendants. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Proposed Additional Defendants.

February 1, 1991

Response to Motion for Leave to Join TKA/HDR filed by attorney for TKA/HDR. Copies forwarded to attorneys for Plaintiff and attorney for Defendant by attorney for TKA/HDR.

March 4, 1991

Brief of Defendant, Commonwealth of Pennsylvania, Department of General Services, in Support of its Motion for Leave to Join TKA/HDR, a Joint Venture; Tasso Katselas Associates, Inc.; and Henningson, Durham and Richardson, Inc., as Additional Defendants filed by attorney for Defendant. Copies forwarded to attorneys for Plaintiff and attorney for Proposed Additional Defendants by attorney for Defendant.

March 18, 1991

Response to Motion for Leave to Join TKA/HDR, A Joint Venture; Tasso Katselas Associates, Inc.; and Henningson Durham and Richardson, Inc., as Additional Defendants filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and attorneys for Proposed Additional Defendants by attorney for Plaintiff.

****April 9, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 9th day of April, 1991, upon consideration of the Motion for Leave to Join TKA/HDR, a Joint Venture; Tasso Katselas Associates, Inc.; and Henningson, Durham and

Richardson, Inc., as Additional Defendants, it is hereby **ORDERED** that the Motion is **GRANTED**. The caption of this action shall be and hereby is amended to read as follows: CASEY COMPANY on its own behalf and to the use of T. D. PATRINOS PAINTING AND CONTRACTING COMPANY VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES VS. TKA/HDR, a

April 9, 1991 (cont'd)

Joint Venture; TASSO KATSELAS ASSOCIATES, INC.; and HENNINGSON, DURHAM and RICHARDSON, INC. DOCKET NO. 1239; CASEY COMPANY on its own behalf and to the use of COST CORPORATION AND PITTSBURGH FLEXICORE COMPANY and COST CORPORATION VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES VS. TKA/HDR, a Joint Venture; TASSO KATSELAS ASSOCIATES, INC.; and HENNINGSON, DURHAM and RICHARDSON, INC. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

April 11, 1991

Acceptance of Service of Opinion and Order dated April 9, 1991 received from attorney for Plaintiff (Carleton O. Strouss, Esquire). Receipt of same acknowledged by attorney for Plaintiff April 10, 1991.

April 15, 1991

Acceptance of Service of Opinion and Order dated April 9, 1991 received from attorney for Intervening Plaintiff (Cost Corporation) in Docket No. 1406. Receipt of same acknowledged by attorney for Intervening Plaintiff April 11, 1991.

April 16, 1991

Acceptance of Service of Opinion and Order dated April 9, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 11, 1991.

April 17, 1991

Copy of Complaint Against Additional Defendants forwarded to Chief Deputy Attorney General.

April 23, 1991

Department's First Request for Production of Documents Directed to Plaintiff, Casey Company as well as Department's First Set of Interrogatories Directed to Plaintiff, Casey filed by attorney for Defendant.

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

CLOSED

April 26, 1991

Acceptance of Service of Complaint Against Additional Defendants received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 18, 1991.

May 2, 1991

Department's First Request for Production of Documents Directed to additional Defendants and Department's First Set of Interrogatories Directed to Additional Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

CLOSED

Plaintiff's First Request for Production of Documents Directed to additional Defendant TKA/HI filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for additional Defendant by attorney for Plaintiff.

May 10, 1991

May 13, 1991

Notice of Taking Depositions on Oral Examination Under Pa.R.C.P. 4007.1 filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendants by attorney for Defendant.

May 14, 1991

Motion of Plaintiff, Casey Company, to Compel Production of Audit Report, memorandum in Support of Motion of Plaintiff to Compel Production of Audit Report as well as Proposed Order filed by attorney for Plaintiff. Copies forwarded to attorneys for all parties by attorney for Plaintiff.

May 16, 1991

Answer, New Matter and Counterclaim filed by attorney for Additional Defendant. Copies forwarded to attorneys for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

May 16, 1991

Amended Notice of Taking Depositions on Oral Examination Under Pa. R. C. P. 4007.1 filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

May 17, 1991

Second Amended Notice of Taking Depositions on Oral examination Under Pa. R. C. P. 4007. 1 filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

May 28, 1991

Notice of Entry of Appearance of Ronald W. Chadwell, attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

May 28, 1991

Request for Admissions Under Pa. R. C. P. 4014 to Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

CLOSED

May 28, 1991

Request for Admissions Under Pa. R. CIV. P. 4014 to TKA/HDR, a Joint Venture; Tasso Katselas Associates, Inc.; and Henningson, Durham and Richardson, Inc. filed by attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

June 3, 1991

Notice of Taking Depositions on Oral Examination Under Pa. R. C. P. 4007. 1 to MasFab, Inc., t/a Formit Steel and Bradley Kreidler, A. J. Demor and Sons, Inc., and John Bianco, Casey Company, Robert C. Scott, Clark K. Miller, Arthur McSorley, Jr., and Robert D. Stewart, Pittsburgh Flexicore Company, Robert Patterson, and Al Reichel, The Farfield Company, Edward P. Nescot and Keith Impink, Wayne Crouse, Inc. and Edwin Walters filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and Attorney for Additional Defendant by attorney for Defendant.

June 18, 1991

Stipulation for Withdrawal of Cost Corporation as Party Plaintiff and the Claims of Cost Corporation Under the Original Complaint of Casey Company and Proposed Order executed by parties and filed by attorney for Defendant.

June 21, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 21st day of June, 1991, the Motion of the Plaintiff requesting the Defendant to produce the Audit Report is **GRANTED**. The Defendant is **ORDERED** to produce a copy of the Audit Report within ten (10) days from the date of this Order." Copies forwarded to attorneys for all parties.

June 26, 1991

Acceptance of Service of Opinion and Order dated June 21, 1991 received from attorney for Plaintiff (Ronald W. Chadwell, Esquire). Receipt of same acknowledged by attorney for Plaintiff June 24, 1991.

CLOSED

June 28, 1991

Acceptance of Service of Opinion and Order dated June 21, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 24, 1991.

June 28, 1991

Acceptance of Service of Opinion and Order dated June 21, 1991 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant June 24, 1991.

July 1, 1991

Department's Answers to Casey's Request for Admissions filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff and attorney for Additional Defendants by attorney for Defendant.

July 1, 1991

Department's Supplemental Answers to Casey's First Set of Continuing Interrogatories Directed to the Department filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff and attorney for Additional Defendants by attorney for Defendant.

July 8, 1991

Acceptance of Service of Opinion and Order dated June 21, 1991 received from attorney for Plaintiff (Carleton O. Strouss, Esquire). Receipt of same

acknowledged by attorney for Plaintiff June 28, 1991.

CLOSED

July 9, 1991

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

July 18, 1991

Acceptance of Service of Opinion and Order dated June 21, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 15, 1991.

July 25, 1991

Testimony for hearing held July 9, 1991 filed.
July 9, 1991
Copy of testimony for hearing held July 9, 1991 forwarded attorney for Defendant.
August 2, 1991

Acceptance of Service of testimony for hearing held July 9, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 30, 1991.

August 21, 1991

Settlement and Release Agreement filed by attorney for Plaintiff, executed by attorney for Plaintiff and attorney for Defendant. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 24, 1991

The Board rendered an Opinion and made the following Order: **“AND NOW**, this 24th day of December, 1991, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of General Services, is indebted unto the Plaintiff, Casey Company, in the full and true sum of Four Hundred Seventy Thousand Five Hundred Dollars (\$470,500.00). Upon receipt of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked closed and ended with prejudice. Each party to bear its own costs.” Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

January 3, 1992

Acceptance of Service of Opinion and Order dated December 24, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 3, 1992.

CLOSED

January 3, 1992

Acceptance of Service of Opinion and Order dated December 24, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 31, 1991.

January 8, 1992

Acceptance of Service of Opinion and Order dated December 24, 1991 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant January 2, 1992.

March 24, 1992

Præcipe filed by attorney for Plaintiff. Copies forwarded to all parties by attorney for Plaintiff.

CLOSED

April 20, 1992

The Board made the following Order: “**AND NOW**, this 20th day of April, 1992, upon receipt of a Præcipe filed by Carleton O. Strouss, esquire, on behalf of Plaintiff, advising to ‘mark the case closed and ended with prejudice’, same of which is docketed with this Board under of March 24, 1992, it is **ORDERED** and **DIRECTED** that said case be marked settled, discontinued and ended with prejudice.” Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

April 23, 1992

Acceptance of Service of Order dated April 20, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Plaintiff April 21, 1992.

April 28, 1992

Acceptance of Service of Order dated April 20, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant April 24, 1992.

April 28, 1992

Acceptance of Service of Orders dated April 20, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 24, 1992.

CLOSED