

Docket Number: 1431

**NORFLOR CONSTRUCTION CORPORATION and MMR/WALLACE CONSTRUCTORS, INC.**

Donna L. Fisher, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Michael J. Doley, Chief Counsel, Esquire  
Catherine A. Foley, Assistant Counsel  
Elizabeth A. O'Reilly, Assistant Counsel  
Jose E. Morales, Assistant Counsel~~

VS.

**BOHLIN, POWELL, LARKIN & CYWNISKI**

Patrick W. Liddle, Esquire

**April 27, 1990**

Complaint and filing fee filed. Amount of Claim: \$2,474,314.50+

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**May 4, 1990**

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

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**May 7, 1990**

Responses of Norflor Construction Corporation and MMR/Wallace Constructors, Inc., to Interrogatories and Request for Production of Documents of Respondent filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 15, 1990**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 7, 1990.

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**May 21, 1990**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 8, 1990.

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**May 21, 1990**

Assignment of Counsel directed by Office of Attorney General.

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**July 19, 1990**

Motion for Discovery Before Filing an Answer filed by attorney for Defendant.

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**July 24, 1990**

Certificate of Service for Defendant's Motion for Discovery Before Filing an Answer which was filed on July 19, 1990 received from attorney for Defendant.

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**July 25, 1990**

Brief in Support of Respondent's Motion for Discovery Before filing an Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 3, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW** this 3rd day of August, 1990, it is **ORDERED** and **DECREED** that Defendant's Motion for Discovery Before filing an Answer be and is hereby **GRANTED**. It is further **ORDERED** and **DECREED** that Defendant, Department of General Services, shall file its Interrogatories and/or Request for Production of Documents to obtain the required information within twenty (20) days of this Order." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

**August 8, 1990**

Acceptance of Service of Opinion and Order dated August 3, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 7, 1990.

**CLOSED**

**August 15, 1990**

Request for Production of Documents of Norflor Construction Corporation Addressed to the Commonwealth of Pennsylvania, Department of General Services - Set I filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**August 16, 1990**

Acceptance of Service of Opinion and Order dated August 3, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 14, 1990.

**August 31, 1990**

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

**January 24, 1992**

Claimant's Interrogatories Addressed to Defendant, Department of General Services of the Commonwealth of Pennsylvania, First Set, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**April 14, 1992**

Respondent's Answer with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**May 1, 1992**

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

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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 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 and no party will be prejudiced by this Order. All pleadings set forth, hereinafter, shall include all docket numbers, as above-mentioned, Docket No. 1287, Docket No. 1374, Docket No. 1401 and Docket No. 1431." Copies forwarded to all parties of record.

**CLOSED**

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May 1, 1992

Acceptance of Service of Opinion and Order dated May 18, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 19, 1992.

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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.

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June 18, 1992

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

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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. Copies forwarded to all parties of record by attorney for Defendant.

**September 30, 1992**

Plaintiff's Answers to Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 9, 1992**

Notice of Deposition of John Samson filed by attorney for Additional Defendants (in Docket No. 1401). Copy forwarded to attorneys for all parties by attorney for Additional Defendants (in Docket No. 1401).

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**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.

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**November 30, 1992**

Notice of Deposition of George Marek filed by attorney for Additional Defendant (in Docket No. 1401). Copy forwarded to attorneys for all parties by attorney for Additional Defendants (in Docket No. 1401).

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**December 11, 1992**

Reply of Norflor Construction Corporation and MMR/Wallace Constructors, Inc. to the New Matter Asserted by Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorneys for all parties by attorney for Plaintiff.

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**December 15, 1992**

Response of Norflor Construction Corporation and MMR/Wallace Constructor's, Inc. to Respondent's Motion for Summary Judgment and Memorandum of Law in Opposition filed by attorney for Plaintiff. Copies forwarded to all attorneys of record by attorney for Plaintiff.

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**December 15, 1992**

Petition for Leave to File an Amended Statement of Claim, Brief in Support of same and Proposed Order filed by attorney for Plaintiff. Copies forwarded to all attorneys of record by attorney for Plaintiff.

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**March 24, 1993**

Chief Administrative Judge, Fred C. Pace, executed the Proposed Order, as filed by attorney for Plaintiff (in Docket No. 1431). Order as follows: "**AND NOW**, this 24th day of March, 1993, upon consideration of Norflor Construction Corporation's and MMR/Wallace Constructors, Inc.'s petition for leave to file an amended statement of claim in Docket No. 1431 of these consolidated cases, it is hereby **ORDERED** and **DECREED** that the said petition is granted and leave is given to file the First Amended Statement of Claim against Defendant, Commonwealth of Pennsylvania, Department of General Services." Copies forwarded to all attorneys of record.

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**CLOSED**

March 29, 1993

Amended Claim filed by attorney for Plaintiff. Copies forwarded to all attorneys of record by attorney for Plaintiff.

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April 6, 1993

Acceptance of Service of Order dated March 24, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 26, 1993.

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**April 13, 1993**

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 9, 1993.

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**April 20, 1993**

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 8, 1993.

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**May 6, 1993**

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

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**June 17, 1993**

Acceptance of Service of Order dated March 24, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 25, 1993.

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June 20, 1993

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 15, 1993.

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July 6, 1993

Commonwealth's Brief in Support of Preliminary Objections (for Docket No. 1431) filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

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**CLOSED**

July 26, 1993

Brief of Norflor Construction Corporation and M/R/Wallace Constructors, Inc., in Opposition to Preliminary Objections to First Amended Statement of Claim filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

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August 26, 1993

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

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September 16, 1993

Praeipce for Withdrawal of Appearance of Catherine A. Foley, Co-Counsel for Defendant, as well as Praeipce for 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.

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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 Jay 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**." Copies forwarded to all attorneys of record.

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**October 13, 1993**

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of October, 1993, the two Motions of the Defendant; namely the Preliminary Objections and the Motion for Summary Judgment, are **DENIED**. The Defendant is directed to file a responsive pleading within thirty (30) days from the date of this Order." Copies forwarded to all attorneys of record.

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**October 14, 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.

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**CLOSED**

**October 21, 1993**

Acceptance of Service of Opinion and Order dated October 13, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 18, 1993.

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**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.

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**December 3, 1993**

Notice of Deposition of George Marek filed by attorney for Additional Defendant (Patrick Liddle, Esq. - in Docket No. 1401). Copies forwarded to all attorneys of record by attorney for Additional Defendant (in Docket No. 1401).

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**December 6, 1993**

Hearing scheduled for August 2, 3, 4 and 5, 1994; August 8, 9, 10, 11 and 12, 1994; as well as August 15, 16, 16, 18 and 19, 1994 in Board's Courtroom No. 1, Room 707 Transportation & Safety Bldg. Harrisburg, PA commencing at 9:30 a.m.

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**January 10, 1994**

Respondent's Answer to Claimant's First Amended Statement of Claim with New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

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**January 10, 1994**

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.

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**CLOSED**

**January 25, 1994**

Motion for Leave to Join Bohlin, Powell, Larkin & Cywinski as an Additional Respondent in Docket Nos. 128, 136 and 1431 filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

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**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.

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**January 25, 1994**

Request for 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.

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**January 26, 1994**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of January, 1994, the request of the Defendant, Commonwealth of Pennsylvania, Department of General Services, in the nature of a Motion for Summary Judgment, is hereby **DENIED**. The Board further **ORDERS** that the two named surety companies and the Bankruptcy Court in the State of Louisiana be advised, if such notice has not been given, of the pendency of this present action and that evidence of the knowledge of the surety companies and the Bankruptcy Court of the State of Louisiana be made part of the record." Copies forwarded to all attorneys of record.

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**January 26, 1994**

Request for Production of Documents by the 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.

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**February 4, 1994**

Acceptance of Service of Opinion and Order dated January 26, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 27, 1994.

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**CLOSED**

February 11, 1994  
Plaintiff's Reply to New Matter and Counterclaim of Respondent Commonwealth of Pennsylvania Department of General Services in Docket No. 1431 filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

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**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.

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**April 1, 1994**

The Board rendered an Opinion and made the following Order: "AND NOW, this 1st day of April, 1994, it is **ORDERED** and **DECREED** that the Motion for Leave to Join Bohlin, Powell, Larkin & Cywinski as an Additional Respondent in Docket Nos. 1287, 1364 and 1431, be and is hereby **GRANTED**." Copies forwarded to all attorneys of record.

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**April 6, 1994**

Acceptance of Service of Opinion and Order dated April 1, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 4, 1994.

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**April 6, 1994**

Acceptance of Service of Opinion and Order dated April 1, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant

April 6, 1994.

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**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.

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**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 & Gwinski.

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**CLOSED**

**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).

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**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).

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**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 **MOOT**. Copies forwarded to all attorneys of record."

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**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.

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**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.

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**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.

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**CLOSED**

**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 15, 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 June 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.

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**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 for Plaintiff. Copies forwarded to all attorneys of record by attorney for Plaintiff.

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**July 5, 1994**

Written Expert Reports filed by attorney for Defendant. Copies forwarded to all attorneys of record by attorney for Defendant.

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**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.

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**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.

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**CLOSED**

**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.

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**July 25, 1994**

Exhibit List of Jay R. Reynolds, Inc. filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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 & Cywisnki is hereby **DENIED**. Copies given to all parties at time of hearing.

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**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.

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**CLOSED**

**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.

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**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.

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**August 15, 1994**

Commonwealth of Pennsylvania, Department of General Services' Motion for Sanctions, as well as Memorandum of Law in Support of D/S' Motion for Sanctions filed by attorney for Defendant at time of trial on August 9, 1994

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**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.

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**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.

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**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.

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**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.

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**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 1364 and from precluding any testimony relating to the rejection of the preformed metal wall and roof system as alleged in Count IV in Docket No. 1431, as filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, is hereby **DENIED**. Copies forwarded to attorneys for all parties.

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**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.

**CLOSED**

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**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.

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**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.

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**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.

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**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.

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**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.

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**September 23, 1994**

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**September 30, 1994**

Testimony for hearing held August 2, 3, 4, 8 and 9, 1994 filed.

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**October 3, 1994**

Copy of testimony for hearing held August 2, 3, 4, 8 and 9, 1994 forwarded to attorney for defendant.

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**October 3, 1994**

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**October 4, 1994**

Hearing held in Room 132 Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**October 5, 1994**

Hearing scheduled to continue for November 3 and 4, 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.

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**October 13, 1994**

Testimony of hearing held August 10, 11 and 12, 1994 filed.

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**October 19, 1994**

Copy of testimony of hearing held August 10, 11 and 12, 1994 forwarded to attorney for Defendant.

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**October 24, 1994**

Testimony of hearing held August 15, 16, 17 and 19, 1994 filed.

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**October 26, 1994**

Copy of testimony of hearing held August 15, 16, 17 and 19, 1994 forwarded to attorney for Defendant.

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**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.

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**November 4, 1994**

Hearing held this date in Room 154 Labor and Industry Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case completed.

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**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.

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**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.

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**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.

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**November 9, 1994**

Testimony of hearing held August 25 and 26, 1994 and September 14 and 16, 1994 filed.

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**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.

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**November 16, 1994**

Testimony of hearing held September 23, 1994, October 3 and 4, 1994, and November 4, 1994 filed.

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**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.

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Copy of testimony for hearing held September 24, 1994, October 3 and 4, 1994 and November 4, 1994 forwarded to attorney for Defendant.

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**February 21, 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.

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**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.

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**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.

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**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.

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**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.

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**May 2, 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.

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**CLOSED**

**May 9, 1995**

Praecepte, 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.

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**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.

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**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.

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**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.

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**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.

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**July 2, 1996**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 2nd day of July, 1996, it is hereby **ORDERED, ADJUDGED** and **DECREED** that the Claimant, Norflor Construction Corporation is hereby awarded Five Hundred Ninety-Seven Thousand Eight Hundred Ninety-Seven Dollars and Ninety-Six Cents (\$597,897.96, (\$316,663.86 in damages, \$281,234.10 in retainage); less liquidated damages in the amount of One Hundred Ninety Thousand Dollars (\$190,000.00) which is hereby awarded to the Commonwealth of Pennsylvania, Department of General Services, against the Claimant, Norflor Construction Corporation for a net award to Norflor of Four Hundred Seven Thousand Eight Hundred Ninety-Seven Dollars and Ninety-Six Cents (\$407,897.96). From this award, Two Thousand Nine Hundred Sixty-Eight Dollars and Fifty Cents (\$2,968.50) is for the use of Davis Landscaping. Interest shall be awarded thereon at the

**July 2, 1996 (Continued)**

rate of 6% per annum from January 5, 1989. Bohlin, Powell, Larkin & Cywinski is hereby awarded the sum of Twenty-Three Thousand Six Hundred Forty-Six Dollars and Twenty-Five Cents (\$23,646.25), which is the retainage due it against the Commonwealth of Pennsylvania, Department of General Services, with interest at the rate of 6% per annum from July 2, 1987. All other claims are **DENIED**. Upon receipt of said award, Plaintiffs shall forthwith file with the Board of Claims a Praeceptum to mark the case 'closed, discontinued and ended with prejudice'. Each party to bear their own costs and attorney's fees." Copies forwarded to all attorneys of record and Chief Deputy Attorney General.

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July 5, 1996

Acceptance of Service of Final Opinion and Order dated July 2, 1996 received from attorney for Plaintiff (Donna Fisher, Esquire). Receipt of same acknowledged by attorney for Plaintiff July 3, 1996.

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July 5, 1996

Acceptance of Service of Final Opinion and Order dated July 2, 1996 received from Theodore A. Adler, Esquire. Receipt of same acknowledged by Theodore A. Adler, Esquire July 3, 1996.

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July 10, 1996

Acceptance of Service of Final Opinion and Order dated July 2, 1996 received from Andrew Fylypovych, Esquire. Receipt of same acknowledged by Andrew Fylypovych, Esquire July 8, 1996.

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July 12, 1996

Motion for Reconsideration and Proposed Order filed by attorney for Defendant. Copy forwarded to all attorneys of record by attorney for Defendant.

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July 17, 1996

Letter received from attorney for Plaintiff advising they oppose the Motion for Reconsideration and will be filing a Response to said Motion on or before July 24, 1996.

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July 24, 1996

Response of Norflor Construction Corporation to Motion for Reconsideration of Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff.

**August 15, 1996**

Acceptance of Service of Final Opinion and Order date July 2, 1996, received from attorney for Defendant (Elizabeth A. O'Reilly, Esq.). Receipt of same acknowledged by attorney for Defendant July 3, 1996.

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**September 11, 1996**

Motion to Withdraw the Commonwealth's Motion for Reconsideration filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**November 14, 1996**

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

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**November 25, 1996**

**CLOSED**

The Board rendered the following Order: "AND NOW, this        day of November, 1996, upon receipt of a Praecipe over the signature of Donna L. Fisher, Esquire on behalf of Plaintiffs', Jay R. Reynolds, Inc.; Norflor Construction Corporation; Jay R. Reynolds, Inc.; Norflor Construction Corp. and Bohlin, Powell, Larken, Cywinski; Vinokur-Pace Engineering Services, Inc. and Norflor Construction Corporation and MMR/Wallace Constructors, Inc., which states: "Please mark the claims in docket numbers 1364 and 1431 settled, discontinued and ended." same of which is docketed with this Board under date of November 14, 1996, it is **ORDERED** and **DIRECTED** that said cases be marked 'settled, discontinued and ended with prejudice.'" Copy forwarded to all parties of record.

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**December 2, 1996**

Acceptance of Service of Opinion and Order dated November 25, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 27, 1996.

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**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 27, 1996.

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