

Docket Number: 1441

M & K ELECTRICAL COMPANY, INC.

Keith A. Bassi, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

Michael D. Alsher, Assistant Counsel

May 29, 1990

Complaint and filing fee filed. Amount of Claim: \$157,925.00+.

June 4, 1990

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

June 7, 1990

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 6, 1990.

June 13, 1990

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 13, 1990.

July 6, 1990

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

August 7, 1990

Preliminary Objection to Counterclaim in the Nature of a Petition Raising a Question of Jurisdiction as well as Brief in Support of Preliminary Objection to Respondent's Counterclaim in the Nature of a Petition Raising a Question of Jurisdiction filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 20, 1990

Notice to Take Deposition upon Oral Examination of John Sullivan, Assistant Construction Engineer and Bruce Montgomery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 24, 1990

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

September 11, 1990

Defendant's Brief in Opposition to Plaintiff's Preliminary Objection to Counterclaim in the Nature of a Petition Raising a Question of Jurisdiction filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 18, 1990

Notice to Take Deposition Upon Oral Examination of John Sullivan, Assistant Construction Engineer and Bruce Montgomery re-scheduled for October 5, 1990 filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

October 10, 1990

CLOSED
The Board rendered an Opinion and made the following Order: "AND NOW, this 10th day of October, 1990, the Preliminary Objections filed by the Plaintiff are hereby **DENIED**. The Plaintiff is directed to file responsive pleadings to that part of the defendant's pleadings which are the subject matter of these Preliminary Objections. The Plaintiff is given Thirty (30) days in which to file their responsive pleadings." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 12, 1990

Acceptance of Service of Opinion and Order dated October 10, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 11, 1990.

October 16, 1990

Notice to Take Deposition Upon Oral Examination of Bruce Montgomery on October 26, 1990 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 22, 1990

Acceptance of Service of Opinion and Order dated October 10, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 15, 1990.

November 19, 1990

Reply to Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 2, 1991

Defendant's First Request for Production of Documents Addressed to Plaintiff filed by attorney for Defendant (Michael D. Alsher, Assistant Counsel). Copy forwarded to attorney for Plaintiff by attorney for Defendant (Michael D. Alsher, Assistant Counsel).

September 5, 1991

Hearing scheduled for April 21, 22, 23, 24, through April 28, 29, 30 and May 1, 1992, if necessary, in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

December 17, 1991

Defendant's Interrogatories to plaintiff filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 13, 1992

Hearing originally scheduled for April 21, 22, 23, 24 through April 28, 29, 30 and May 1, 1992, if necessary rescheduled for April 28, 29, 30 and May 1 through May 5, 6, 7 and 8, 1992, if necessary in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

April 28, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:20 a.m.

April 29, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:25 a.m.

April 30, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:20 a.m.

May 1, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:35 a.m.

May 5, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:20 a.m.

May 6, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:15 a.m.

May 7, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:25 a.m.

May 8, 1992

Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10:15 a.m.

CLOSED

June 9, 1992

Testimony of hearing held April 28, 29, 30 and May 1, 1992 filed.

June 11, 1992

Copies of testimony forwarded to attorney for Defendant.

June 16, 1992

Acceptance of Service of Testimony of hearing held April 28, 29, 30 and May 1, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 15, 1992.

June 29, 1992

Testimony for hearing held May 5, 6, 7 and 8, 1992 filed.

June 30, 1992

Copies of testimony forwarded to attorney for Defendant.

January 7, 1993

Claimant's Proposed Findings of Fact, Claimant's Proposed Conclusions of Law and Brief Submitted on Behalf of M & K Electrical Company, Inc. in Support of Statement of Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 30, 1993

Defendant's Proposed Findings of Fact, Conclusions of Law and Memorandum in Support, thereof, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 6, 1994

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 6th day of July, 1994, we find on the Claim in favor of the Plaintiff, M & K Electrical Company, Inc., in the amount of Forty-Three Thousand Six Hundred Forty-Eight Dollars and Eight Cents (\$43,648.80), with interest at the legal rate of six percent (6%) per annum from May 29, 1990, the date the Complaint was filed with the Board of Claims and on the Counterclaim in favor of the Plaintiff/Defendant on the Counterclaim, M & K Electrical Company, Inc., and against the Defendant/Plaintiff on the Counterclaim, Commonwealth of Pennsylvania, Department of Transportation. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe that the case be marked settled, discontinued and ended with prejudice. Each party to bear its own costs and attorneys's fees." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 13, 1994

Acceptance of Service of Opinion and Order dated July 6, 1994, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 8, 1994.

September 29, 1994

Petition for Review received from Commonwealth Court [No. 1876 C.D. 1994].

March 22, 1995

Copy of Opinion and Order received from Commonwealth Court. Order as follows: **"AND NOW**, March 22, 1995, we affirm the Order of the Board of Claims."

May 31, 1995

File returned from Commonwealth Court.

July 10, 1995

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

October 12, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of October, 1995, upon receipt of Praecept to Settle, Discontinue and End with Prejudice acknowledging receipt of award executed by Jeffrey T. Olup, Esquire, on behalf of M & K Electrical Company, Inc., same of which is docketed with this Board under date of July 10, 1995, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'."

Copies forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED