

Docket Number: 1445

DICK ENTERPRISES, INC.

Kenneth W. Lee, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Kenneth L. Sable, Chief Claims Attorney

Jeffrey W. Davis, Assistant Counsel

June 22, 1990

Complaint and filing fee filed. Amount of Claim: \$348,845,81+.

June 28, 1990

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

July 2, 1990

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 29, 1990.

July 9, 1990

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 29, 1990.

CLOSED

August 28, 1990

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

September 24, 1990

Preliminary Objections to New Matter in the Nature of a Motion to Strike and Brief in Support of Preliminary Objections to New Matter in the Nature of a Motion to Strike filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 23, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 23rd day of October, 1990, upon due consideration of the Preliminary Objections as filed by the Plaintiff, Dick Enterprises, Inc., the Preliminary Objections are **DENIED.** The Plaintiff is given Thirty (30) days from the date of this Opinion and Order to file responsive pleadings to the New Matter of the Defendant, Commonwealth of Pennsylvania, Department of Transportation." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 24, 1990

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

October 30, 1990

Acceptance of Service of Opinion and Order dated October 23, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 25, 1990.

November 30, 1990

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

November 4, 1991

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

January 13, 1992

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

January 28, 1992

Response to plaintiff's First Set of Continuing Interrogatories to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 5, 1992

Motion to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 1, 1992

Memorandum in Opposition to Motion to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 9, 1992

Plaintiff's Reply to Defendant's Memorandum in Opposition to Motion to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 11, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of May, 1992, the Motion to Compel as filed by the Plaintiff is **DENIED**. However, the future activity of the Defendant will be viewed in light of this Opinion." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 18, 1992

Acceptance of Service of Opinion and Order dated May 11, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 14, 1992.

May 27, 1992

Acceptance of Service of Opinion and Order dated May 11, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Plaintiff May 18, 1992.

April 30, 1993

Præcipe to Seize and Discontinue filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 15, 1993

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

September 21, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of September, 1993, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is indebted unto the Plaintiff, Dick Enterprises, inc., in the full and true sum of One Hundred Twenty-Five Thousand Dollars (\$125,000.00). In light of the averment of paragraph number 1 of the Settlement Agreement, wherein Plaintiff acknowledged receipt of the money, it is further **ORDERED** and **DECREED** that the case be marked 'settled, discontinued and ended with prejudice'. Each party to bear its own costs and attorneys' fees." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

September 23, 1993

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

September 28, 1993

Acceptance of Service of opinion and Order dated September 21, 1993, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 23, 1993.

CLOSED