

Docket Number: 1455

DENTON CONSTRUCTION COMPANY

Stephen A. Moore, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

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

Gerald R. Schultz, Assistant Counsel

**July 17, 1990**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$109,555.33+.

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**July 24, 1990**

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

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**July 26, 1990**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 25, 1990.

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**July 30, 1990**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 28, 1990.

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**September 27, 1990**

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

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**October 9, 1990**

Plaintiff Denton Construction Company Inc.'s Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 1, 1992**

Proposed Stipulated Facts filed by attorney for Plaintiff, executed by parties.

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**May 27, 1992**

Eastern District Panel Hearing scheduled for June 24, 25, and 26, 1992, if necessary, to be held in Courtroom No. 2, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

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**June 24, 1992**

Eastern District Panel Hearing held in 707 Transportation and Safety Building, Harrisburg, Pennsylvania, Courtroom No. 2, commencing at 10:05 a.m. Case completed.

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**July 31, 1992**

Testimony of hearing held June 24, 1992 filed.

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**August 4, 1992**

Copy of Testimony forwarded to attorney for Defendant.

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**August 6, 1992**

Acceptance of Service of Testimony of hearing held June 24, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 5, 1992.

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**September 14, 1992**

Post Hearing Memorandum of Plaintiff Denton Construction Company as well as Proposed Findings of Fact and Conclusions of Law of Plaintiff Denton Construction Company filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

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**October 28, 1992**

Proposed Findings of Fact and Conclusions of Law of Defendant Commonwealth of Pennsylvania Department of Transportation and Brief of Defendant Commonwealth of Pennsylvania Department of Transportation in support of Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 16, 1992**

Eastern Panel Hearing Report filed.

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**July 14, 1993**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 14th day of July, 1993, an award is entered in the amount of Ninety-Two Thousand One Hundred Fifty-Two Dollars and Seventy-One Cents (\$92,152.71) in favor of the Plaintiff, Denton Construction Company and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, with interest at the legal rate of six percent (6%) per annum from January 19, 1990, the date on which the District Engineer denied Plaintiff's Claim for additional payment. 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' fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

**July 15, 1993**

Acceptance of Service of Opinion and Order dated July 14, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 15, 1993.

**July 16, 1993**

Acceptance of Service of Opinion and Order dated July 14, 1993, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 15, 1993.

**July 22, 1993**

Acceptance of Service of Opinion and Order dated July 14, 1993, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 19, 1993.

**November 22, 1993**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 22nd day of November, 1993, a Rule to Show Cause is issued upon Plaintiff, Denton Construction Company, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. This Rule shall become absolute and the case shall be marked 'closed and settled with prejudice' in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

**November 29, 1993**

Acceptance of Service of an Opinion and Order for a Rule to Show Cause dated November 22, 1993, received from attorney for Defendant.

Receipt of same acknowledged by attorney for Defendant November 23, 1993.

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**November 29, 1993**

Acceptance of Service of Opinion and order for Rule to Show Cause dated November 22, 1993, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 23, 1993.

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**December 21, 1993**

Letter/Praecipe acknowledging receipt of awarded filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant. Attorney for Plaintiff.

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**February 28, 1994**

The Board made the following Order: "AND NOW, this 28th day of February, 1994, upon receipt of Letter/Praecipe acknowledging receipt of award, filed by Stephen A. Moore, Esquire, on behalf of Plaintiff, Denton Construction Company, same of which is docketed with this Board under date of December 21, 1993, it is **ORDERED** and **DIRECTED** that said case be marked 'closed and settled with prejudice'." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 2, 1994**

Acceptance of Service of Order dated February 28, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 1, 1994.

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**March 4, 1994**

Acceptance of Service of Order dated February 28, 1994, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 1, 1994.

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