

Docket Number: 1456

**MCCARL'S, INC.**

Thomas G. Michalek, Esquire  
\*\*\*\*Theodore A. Adler, Esquire (Co-Counsel)

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Michael Daley, Chief of Litigation~~  
\*\*\*\*Elizabeth O'Reilly, Assistant Counsel  
Jose Morales, Assistant Counsel

VS.

**\*SULLIVAN/ARFAA, P.C. and ROSSER WHITE HOBBS DAVIDSON MCELLAN KELLY,  
INC., A JOINT VENTURE, Additional Defendants**

~~Peter F. Arfaa, Principal~~  
Bruce D. Lombardo, Esquire  
Richard J. Davies, Esquire  
Reeder R. Fox, Esquire  
Kenneth L Sable, Sable

VS.

**\*\*MCCORMICK, TAYLOR & ASSOCIATES, Third Party Additional Defendants**

\*\*\*Gunther O. Carrle, Esquire

**July 16, 1990**

Complaint and filing fee filed. Amount of Claim: \$469,831.64+.

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**July 25, 1990**

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

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**August 2, 1990**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 27, 1990.

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**August 6, 1990**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 30, 1990.

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**August 24, 1990**

Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 26, 1990**

Brief in Support of Defendant's Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 11, 1990**

Answer to Defendant's Preliminary objections to Plaintiff's Complaint with proposed Order and Brief in Opposition to Defendant's Preliminary Objections to Plaintiff's Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

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**October 11, 1990**

Brief in Opposition to Defendant's Preliminary Objection's to Plaintiff's Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 22, 1990**

Notice of Service of Interrogatories and Request for Production of Document filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 2, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 2nd day of November, 1990, the Preliminary Objections as filed by the Defendant are hereby **DENIED**. The Defendant is given thirty (30) days from the date of this Order to file responsive pleadings." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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Acceptance of Service of Opinion and Order dated November 2, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 5, 1990.

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Acceptance of Service of Opinion and Order dated November 2, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 5, 1990.

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**November 30, 1990**

Defendant's Answer to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 23, 1992**

Plaintiff's Motion for Sanctions Against Defendant for Defendant's Failure to Answer Plaintiff's Request for Production of Documents and Interrogatories to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 9, 1992**

Proposed Order and Motion for Leave to Join SULLIVAN/ARFAA, P. C. and ROSSER WHITE HOBBS DAVIDSON MCELLAN KELLY, INC., A JOINT VENTURE filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and Additional Defendants by attorney for Defendant.

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**\*August 25, 1992**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 25th day of August, 1992, the request of the Defendant, Commonwealth of Pennsylvania, Department of General Services, to join as Additional Defendants the following parties: (Sullivan/ARFAA, P. C. and Rosser white Hobbs Davidson McCellan Kelly, Inc., a Joint Venture), is hereby **GRANTED.** Defendant is further directed to serve Additional Defendants in accordance with the Board's procedures. The caption of these proceedings, will, in the future, be evidenced by the following: McCarls' Inc. VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES VS. SULLIVAN/ARFAA P. C. and ROSSER WHITE HOBBS DAVIDSON McCELLAN KELLY, INC., a Joint Venture, Additional Defendants. Copy forwarded to attorney for Plaintiff additional Defendants and attorney for Defendant.

**CLOSED**

August 28, 1992

Acceptance of Service of Opinion and Order dated August 25, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 27, 1992.

**August 31, 1992**

Acceptance of Service of Opinion and Order dated August 25, 1992 received from attorney for Additional Defendants. Receipt of same acknowledged by Additional Defendants August 27, 1992.

**September 1, 1992**

Acceptance of Service of Opinion and Order dated August 25, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 27, 1992.

**October 20, 1992**

Entry of appearance filed by Bruce D. Lombardo, Esquire, and Richard J. Davies, Esquire, attorneys for Additional Defendants. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendants (Bruce D. Lombardo, Esquire).

**October 20, 1992**

Three Proposed Orders and Preliminary Objections of Additional Defendants, Sullivan/ARFAA, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., A Joint Venture to The Joinder Complaint of Defendant, Commonwealth of Pennsylvania, Department of General Services and Memorandum of Law in Support of Preliminary Objections of Additional Defendant filed by attorneys for Additional Defendants. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorneys for Additional Defendants.

**October 27, 1992**

**CLOSED**

The Board rendered an Opinion and made the following Order: "AND NOW, this 27th day of October, 1992, a Rule is DIRECTED to the Defendant, Commonwealth of Pennsylvania, Department General Services, to show cause on or before the 29th day of November, 1992, why the Motion for Sanctions should not be granted. Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

**November 5, 1992**

Acceptance of Service of Opinion and Order dated October 27, 1992 received from attorney for Additional Defendants. Receipt of same acknowledged by attorneys for Additional Defendants November 2, 1992.

**November 9, 1992**

Acceptance of Service of Opinion and Order dated October 27, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 29, 1992.

**\*\*November 13, 1992**

Complaint of Additional Defendant, SULLIVAN/ARFAA, P.C. AND ROSSER WHITE HOBBS DAVIDSON McCELLAN KELLY, INC., A JOINT VENTURE, TO JOIN McCORMICK, TAYLOR & ASSOCIATES, INC. AS AN ADDITIONAL DEFENDANT pursuant to Pa. R.C.P. No. 2252(b) filed by attorneys for Additional Defendants. Joinder allowed pursuant to Rule 2253 of the Pa. R.C.P. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorneys for Additional Defendants.

**November 16, 1992**

Plaintiff's Response in Support of Preliminary Objections of Additional Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for defendant and attorneys for Additional Defendants by attorney for Plaintiff.

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**November 16, 1992**

Letter/Supplement to Plaintiff's Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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December 4, 1992

**CLOSED**

Memorandum of Law in Opposition to Preliminary Objections of the Additional Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorneys for Additional Defendants by attorney for Defendant.

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**December 4, 1992**

Response of Defendant, Commonwealth of Pennsylvania, Department of General Services to Plaintiff, McCarl's, Motion for Sanctions against Defendant for failure to answer request for Interrogatories and for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 4, 1992**

Memorandum in Support of Defendant, Commonwealth of Pennsylvania, Department of General Services Response to Plaintiff, McCarl's Motion for Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 7, 1992**

Affidavit of Service of Joinder Complaint on behalf of Sullivan/Arfaa, P.C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., a Joint Venture (Additional Defendants) upon McCormick, Taylor & Associates, Inc. (Third-Party Additional Defendants) filed by Daniel Logue (Licensed Private Detective).

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**December 11, 1992**

Copy of Complaint of Additional Defendant, Sullivan/Arfaa, P.C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., a Joint Venture, to join McCormick, Taylor & Associates, Inc. as an Additional Defendant forwarded to Chief Deputy Attorney General.

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**December 17, 1992**

Acceptance of Service of Opinion and Order dated October 27, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 27, 1992.

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**\*\*\*December 18, 1992**

Entry of appearance of Dunthe O. Carre, Esquire on behalf of Third-Party Additional Defendants. Copy forwarded to attorney for Plaintiff, Attorney for Defendant and Attorneys for Additional Defendants by attorney for Third-Party Additional Defendants.

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**CLOSED**

**December 11, 1992**

Reply to Additional Defendant, Sullivan/Arfaa, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., a Joint Venture, to Defendant Commonwealth of Pennsylvania Department of General Services' Memorandum of Law in Opposition to Additional Defendant's Preliminary Objections filed by attorney for Additional Defendant. Copy forwarded to attorney for Defendant, attorney for Plaintiff and attorneys for Third-Party Additional Defendants.

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**December 29, 1992**

Acceptance of Service of Joinder Complaint dated December 11, 1992 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 18, 1992.

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**January 19, 1993**

Brief in Support of Plaintiff's Motion for Sanctions against Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 5, 1993**

Acceptance of Service of Opinion and Order dated March 29, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 31, 1993.

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**March 5, 1993**

Acceptance of Service of Opinion and Order dated March 29, 1993 received from attorney for Additional Defendants (Bruce D. Lombardo, Esquire). Receipt of same acknowledged by attorney for Additional Defendants (Bruce D. Lombardo, Esquire) April 1, 1993.

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**March 5, 1993**

Acceptance of Service of Opinion and Order dated March 29, 1993 received from attorney for Additional Defendants (Richard J. Davies, Esquire). Receipt of same acknowledged by attorney for Additional Defendants (Richard J. Davies, Esquire) April 1, 1993.

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**March 29, 1993**

**CLOSED**

the Board rendered an Opinion and made the following Order: "AND NOW, this 29th day of March, 1993, the Preliminary Objections of the Additional Defendants, Sullivan/Arfaa, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., A Joint Venture, are **DENIED**. The additional request of the Additional Defendants for a more specific Complaint is also **DENIED**. The Additional Defendants are requested to file responsive pleadings to the Complaint of the Defendant, Commonwealth of Pennsylvania, Department of General Services within thirty (30) days from the date of the exit of this Order." Copies forwarded to all attorneys of record.

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**April 12, 1993**

Acceptance of Service of Opinion and Order dated March 29, 1993 received from attorney for Additional Defendants. Receipt of same acknowledged by attorney for Additional Defendants April 6, 1993.

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**April 27, 1993**

Notice of Service of Request for admissions and accompanying Interrogatory and Third Request for Production of Documents filed by attorney for Plaintiff.

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**April 30, 1993**

Answer, New Matter and Counterclaim of Additional Defendants Sullivan/Arfaa, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., a Joint Venture, to the Joinder Complaint of Defendant, Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendants. Copies forwarded to all parties of record by attorney for Additional Defendants.

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**May 4, 1993**

Letter forwarded to attorney for Plaintiff, with copy to all parties of record, requesting a copy of Request for Admissions and Accompanying Interrogatory and Third Request for Production of Documents.

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**May 12, 1993**

Plaintiff's Request for Admissions and Accompanying Interrogatory to Defendant Commonwealth of Pennsylvania Department of General Services filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

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**May 12, 1993**

Plaintiff's Third Request for Production of Documents Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

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**June 1, 1993**

Response of Defendant, Department of General Services, to Plaintiff and Counterclaim of Additional Defendants filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**July 12, 1993**

Plaintiff's Motion For Sanctions Pursuant to Rule 4019(a) (viii) For Defendant Commonwealth of Pennsylvania, Department of General Services' Failure to Respond To Plaintiff's Request for Admissions, Interrogatory, And Third Request For Production of Documents and Proposed Order filed by attorney for Plaintiff (Thomas G. Michalek, Esquire). Copies forwarded to attorney for Defendant, attorneys for Additional Defendants, and attorney for Third-Party Additional Defendants by attorney for Plaintiff (Thomas G. Michalek, Esquire).

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**August 16, 1993**

Brief in Support of Plaintiff's Motion for Sanctions Pursuant to Rule 4019(a) (viii) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**\*\*\*\*September 15, 1993**

Praecipe filed by Theodore A. Adler, Esquire, Co-Counsel for Plaintiff. Copy forwarded to attorney for Defendant and attorneys for additional Defendants (Bruce D. Lombardo and Richard J. Davies, Esquire) by Co-Counsel for Plaintiff.

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**November 5, 1993**

Acceptance of Service of Opinion and Order dated March 29, 1993 received from attorney for Additional defendant (Bruce D. Lombardo, Esquire). Receipt of same acknowledged by attorney for Additional Defendant (Bruce D. Lombardo, Esquire) March 30, 1993.

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**November 17, 1993**

The Board rendered an Opinion and made the following Order: **CLOSED** AND NOW, this 17th day of November, 1993, the Defendant, Commonwealth of Pennsylvania, Department of General Services, **ORDERED** to file its Answers to the Plaintiff's Admissions within 45 days of the date of this Opinion. If these Answers are not filed on the 45th day, the admissions will be considered admitted. All discovery, with the exception of the names and addresses of the witnesses that the Defendant intends to call at the time of trial, is closed. All evidence introduced by the Commonwealth, that could have been discovered as of the date of this order, that was not given to the Plaintiff, McCarl's, Inc., in accordance with the Plaintiff's request, in the nature of Interrogatories and Request for Production of Documents, will not be allowed to be introduced. Further, this case will be listed for trial at the early part of 1994." Copies forwarded to attorneys for Plaintiff, attorney for Defendant, attorneys for Additional Defendants, and attorney for Third-Party Additional Defendants.

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**November 23, 1993**

Acceptance of Service of Opinion and Order dated November 17, 1993 received from attorney for Plaintiff (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Plaintiff (Theodore A. Esquire) November 18, 1993.

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**November 29, 1993**

Acceptance of Service of Opinion and Order dated November 17, 1993 received from attorney for Defendant (Richard J. Davies, Esquire). Receipt of same acknowledged by attorney for Defendant (Richard J. Davies, Esquire) November 22, 1993.

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**November 29, 1993**

Hearing scheduled for May 17, 18, 19 and 20, 1994, and May 23, 24, 25, 26 and 27, 1994, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**November 30, 1993**

Acceptance of Service of Opinion and Order dated November 17, 1993 received from attorney for Plaintiff (Thomas G. Michalek, Esquire). Receipt of same acknowledged by attorney for Plaintiff (Thomas G. Michalek, Esquire).

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**December 7, 1993**

Acceptance of Service of Opinion and Order dated November 17, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 17, 1993.

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**\*\*\*December 16, 1993**

Practicing Entry of Appearance filed by Elizabeth C. Daily, Assistant Counsel, attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**December 23, 1993**

Defendant, Commonwealth of Pennsylvania, Department of General Services' Response to Plaintiff's Request for Admissions and Accompanying Interrogatory filed by attorney for Defendant. Copies forwarded to all parties of record by attorney for Defendant.

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**February 1, 1994**

Proposed Order as well as Motion of Additional Defendants and Third Party Defendant for Clarification of the Board's November 17, 1993 Order Regarding Discovery filed by attorney for Additional Defendants and attorney for Third-Party Additional Defendants. Copies forwarded to all parties of record by attorney for Additional Defendants and attorney for Third-Party Additional Defendants.

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**February 9, 1994**

Memorandum in Opposition to Motion of Additional Defendants and Third Party Defendant for Clarification of the Board's November 17, 1993, Order Regarding Discovery filed by attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

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**February 22, 1994**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 22nd day of February, 1994, the request of Additional Defendants, Sullivan/Arfaa, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., a Joint Venture, and Third-Party Additional Defendants, McCormick, Taylor & Associates, to continue to discover pertinent information from the named Plaintiff, McCarl's Inc., and the named Defendant, Commonwealth of Pennsylvania, Department of General Services, and from each Additional Defendant, is hereby **GRANTED.**" Copies forwarded to all parties of record.

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**February 24, 1994**

Acceptance of service of opinion and Order dated February 22, 1994, received from attorney for Plaintiff (Theodor A. Miller Esquire). Receipt of same acknowledged by attorney for Plaintiff February 23, 1994.

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**March 1, 1994**

Acceptance of Service of Opinion and Order dated February 22, 1994, received from attorney for Plaintiff (Thomas G. Michalek, Esquire). Receipt of same acknowledged by attorney for Plaintiff February 24, 1994.

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**March 4, 1994**

Acceptance of service of Opinion and Order dated February 22, 1994, received from attorneys for additional Defendants. Receipt of same acknowledged by attorneys for Additional Defendants February 28, 1994.

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**March 4, 1994**

Acceptance of Service of Opinion and Order dated February 22, 1994,

received from attorney for Third-Party Additional Defendants. Receipt of same acknowledged by attorney for Third-Party Additional Defendants.

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**April 19, 1994**

Proposed order as well as Motion of Additional Defendant Sullivan/Arfaa, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., A Joint Venture to Compel Full and Complete Responses to its Expert Interrogatories and Request for Production Addressed to Plaintiff McCarl's, Inc. filed by attorney for Additional Defendants. Copy forwarded to all parties of record by attorney for Additional Defendants.

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**April 25, 1994**

Answer of Plaintiff, McCarl's, Inc. to Expert Interrogatories of Additional Defendant Sullivan/Arfaa, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., A Joint Venture filed by attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

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**April 25, 1994**

Answers of Plaintiff, McCarl's, Inc., to Request for Production of Additional Defendant, Sullivan/Arfaa, P. C. and Rosser White Davidson McCellan Kelly, inc., A Joint Venture filed by attorney for Plaintiff. Copies forwarded to all parties of record by attorney for Plaintiff.

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**April 29, 1994**

Withdrawal of Appearance of Bruce D. Lombardo, Esquire and Richard J. Davies, Esquire on behalf of Sullivan Associates, Inc. only as Counter-Claimant on the Counterclaim of the Joint Venture against Defendant, Commonwealth of Pennsylvania, Department of General Services. Copy forwarded to all parties of record by Bruce D. Lombardo, Esquire and Richard J. Davies, Esquire.

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**May 4, 1994**

Proposed Order as well as Motion of Additional Defendant Sullivan/Arfaa, P.C. and Rosser White Hobbs Davidson McCellan Kelly,

Inc., A Joint Venture, to Strike the Objections of Plaintiff McCarl's to the Requests for Production Addressed to It filed by attorneys for Additional Defendants. Copy forwarded to all parties of record by attorneys for Additional Defendants.

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**May 6, 1994**

Response of Department of General Services to Expert interrogatories of additional Defendant Sullivan/Arfaa, P.C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., A Joint Venture to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**May 13, 1994**

**CLOSED**

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of May, 1994, the three (3) Motions as filed by Additional Defendants, Sullivan/Arfaa, P.C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., Joint Venture are, in the eyes of the Board, MOTIONED and the Board will not rule upon said Motions. The hearing in this matter will commence on May 17, 1994." Copies forwarded to all parties of record.

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**May 17, 1994**

Acceptance of Service of Opinion and Order dated May 13, 1994, received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant May 16, 1994.

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**May 17, 1994**

Hearing scheduled for May 17, 18, and 19, 1994, canceled. Hearing to begin May 20, 1994, at 9:30 a.m.

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**May 20, 1994**

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case settled.

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**June 23, 1994**

Testimony of hearing held May 20, 1994, filed.

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**June 27, 1994**

Copy of testimony of hearing held May 20, 1994, forwarded to attorney for Defendant.

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**August 23, 1994**

Acceptance of Service of testimony for hearing held May 20, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorneys for Defendant August 22, 1994.

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**October 6, 1994**

Proposed Order as well as Motion for Entry of Order to Effect Settlement Agreement filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

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**February 14, 1995**

Hearing scheduled for February 23, 1995, in Board's Court Room No. 1, 6th Floor, Fulton Building, Third and Locust streets, Harrisburg, Pennsylvania, at 9:30 a.m.

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**February 23, 1995**

Hearing held this date in Board's Court Room No. 1, 6th Floor, Fulton Building, Third and Locust streets, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case settled.

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**March 9, 1995**

The Board made the following Order: **"AND NOW**, this 9th day of March, 1995, judgment is entered for McCarl's, Inc. and against the Commonwealth of Pennsylvania, Department of General Services, in the amount of One Hundred Eighty-Five Thousand Dollars (\$185,000.00), plus interest from July 20, 1994, at the rate of six percent (6%) per annum, plus attorneys' fees and costs incurred in seeking to obtain payment in the amount of One Thousand Two Hundred Eighty Dollars and Six Cents (\$1,280.06). Copies forwarded to all parties of record.

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**March 10, 1995**

The Board made the following Order: **"AND NOW**, this 10th day of March,

1995, judgment in entered for Sullivan/ARFAA, P. C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., and against the Commonwealth of Pennsylvania, Department of General Services in the amount of Forty-Eight Thousand Eight Hundred Thirty-Two Dollars and Twenty Two Cents. (\$48,832.20), plus retainage of Seven Thousand One Hundred Twelve Dollars and Eleven Cents (\$7,112.11) being withheld by the Department subject to receipt of required documents on phases II, III and IV of the project, plus payment of One Thousand Two Hundred Ten Dollars and Fifty Cents (\$1,210.50) for invoice #94-0964. If the above amounts are not paid April 23, 1995, interest will then accrue at the rate of Six Percent (6%) per annum." Copies forwarded to all parties of record.

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**March 15, 1995**

Testimony of hearing held February 23, 1995, filed.

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**March 16, 1995**

Acceptance of Service of Order dated March 9, 1995 received from attorney for Third Party Additional Defendants. Receipt of same acknowledged by attorney for Third Party Additional Defendants March 13, 1995.

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**March 16, 1995**

Acceptance of Service of Order dated March 9, 1995, received from attorney for Plaintiff (Thomas G. Michalek, Esquire). Receipt of same acknowledged by attorney for Plaintiff March 13, 1995.

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**March 17, 1995**

Copy of testimony of hearing held February 23, 1995, forwarded to attorney for Defendant.

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**March 17, 1995**

Acceptance of Order dated March 9, 1995 received from attorney for Plaintiff (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Plaintiff March 14, 1995.

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**March 20, 1995**

Acceptance of Service of Order dated March 10, 1995 received from attorney for Plaintiff (Thomas G. Michalek, Esquire). Receipt of same acknowledged by attorney for Plaintiff March 15, 1995.

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**March 21, 1995**

Acceptance of Service of Order dated March 9, 1995 received from

attorneys for Additional Defendants (Bruce D. Lombardo, Esquire and Richard J. Davies, Esquire). Receipt of same acknowledged by attorneys for Additional Defendants March 13, 1995.

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**March 23, 1995**

Acceptance of Service of Order dated March 10, 1995 received from attorney for Third Party Additional Defendants. Receipt of same acknowledged by attorney for Third Party Additional Defendants March 17, 1995.

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**March 23, 1995**

Acceptance of Service of Order dated March 10, 1995 received from attorneys for Additional Defendants (Bruce D. Lombardo, Esquire and Richard J. Davies, Esquire). Receipt of same acknowledged by attorneys for Additional Defendants March 16, 1995.

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**March 23, 1995**

Acceptance of Service of Order dated March 10, 1995 received from attorneys for Additional Defendants (Federico F. Ferrante and Kenneth L. Sable, Esquire). Receipt of same acknowledged by attorneys for Additional Defendants March 21, 1995.

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**March 24, 1995**

Acceptance of Service of Order dated March 10, 1995 received from attorney for Plaintiff (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Plaintiff March 23, 1995.

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**April 10, 1995**

Acceptance of Service of Order dated March 10, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 24, 1995.

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**October 19, 1995**

The Board rendered an Opinion and made the following Order: **"AND**

**NOW**, this 19th day of October, 1995, a Rule to Show Cause is issued upon Plaintiff, McCarl's Inc., 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 all parties of record.

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**October 24, 1995**

Letter/Praecipe received from attorney for Plaintiff (Theodore A. Adler, Esquire) advising that Plaintiff has received payment. Copies forwarded to attorney for Plaintiff (Thomas G. Michalek, Esquire) and attorney for Defendant (Joseph R. ... Assistant Counsel) by attorney for Plaintiff.

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**October 25, 1995**

Acceptance of Service of Opinion and Order dated October 19, 1995 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant October 20, 1995.

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**October 25, 1995**

Copies of Opinion and Orders dated October 19, 1995, originally forwarded to attorneys for Additional Defendants (Bruce D. Lombardo, Esquire and Richard J. Davies, Esquire) returned due to incorrect address.

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**October 25, 1995**

Copies of Opinions and Orders dated October 19, 1995, originally forwarded to attorneys for Additional Defendants (Reeder R. Fox, Esquire and Kenneth L. Sable, Esquire) returned due to incorrect address.

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**October 26, 1995**

Acceptance of Service of Opinion and Order dated October 19, 1995 received from attorney for Plaintiff (Theodore A. Adler, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 23, 1995.

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**October 27, 1995**

Acceptance of Service of Opinion and order dated October 19, 1995

received from attorney for Third Party Additional Defendants. Receipt of same acknowledged by attorney for Third Party Additional Defendants October 25, 1995.

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**October 27, 1995**

Acceptance of Service of Opinion and Order dated October 19, 1995 received from attorney for Third Party Additional Defendants. Receipt of same acknowledged by attorney for Third Party Additional Defendants October 25, 1995.

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**October 27, 1995**

Acceptance of Service of Opinion and Order dated October 19, 1995 received from attorney for Plaintiff (Thomas G. Michalek, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 24, 1995.

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**October 27, 1995**

Acceptance of Service of Opinion and order dated October 19, 1995 received from attorney for Plaintiff (Theodor A. Meyer, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 25, 1995.

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**November 28, 1995**

Copies of Opinions and Orders dated October 19, 1995 re-forwarded to attorneys for Additional Defendants.

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**December 6, 1995**

Letter/Praeipce received from attorney for Additional Defendants (Kenneth L. Sable, Esquire) advising that Additional Defendants have received payment. copy forwarded to attorney for Additional Defendants (Richard J. Davies, Esquire) by attorney for Additional Defendants.

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**December 6, 1995**

Acceptance of Service of Opinions and Orders dated October 19, 1995 received from attorneys for Additional Defendants (Reeder R. Fox, Esquire and Kenneth L. Sable, Esquire). Receipt of same acknowledged by attorneys for Additional Defendants December 1, 1995.

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**December 19, 1995**

the Board made the following Order: "AND NOW, this 19th day of December, 1995, upon receipt of Letter/Praeipce acknowledging

receipt of award executed by Theodore A. Alder, Esquire, on behalf of Plaintiff, McCarl's, inc., on October 23, 1995, and by Kenneth L. Sable, Esquire on behalf of Additional Defendants, Sullivan/Arfaa, P.C. and Rosser White Hobbs Davidson McCellan Kelly, Inc., a joint venture, on December 1, 1995, it is **ORDERED** and DIRECTED that said case be 'settled, discontinued and ended with prejudice'." Copies forwarded to all parties of record.

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**CLOSED**