

Docket Number: 1464

GLASGOW, INC., THE NYLEVE CO. and NYLEVE BRIDGE CORP.,  
a joint venture for the use and benefit of  
SECTIONAL FOUNDATIONS, INC.

Paul A. Logan, Esquire

**CLOSED**  
U.S.  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~  
~~Michael D. Alsher, Chief Counsel~~

**August 30, 1990**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$18,500.00+

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**September 4, 1990**

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

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**September 7, 1990**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 5, 1990.

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**CLOSED**

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Defendant's Answer to Plaintiff's Complaint with New Matter filed by Michael D. Alsher, Assistant Counsel (Department of Transportation). Copy forwarded to attorney for Plaintiff by Michael D. Alsher, Assistant Counsel (Department of Transportation).

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**October 15, 1990**

Reply to the New Matter of the Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 11, 1991**

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

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**November 1, 1991**

Notice of Deposition of Jeffrey Wendel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 24, 1992**

Plaintiff's Interrogatories Directed to Defendant PaDOT (First Set) as well as Plaintiff's Request for Admissions Directed to Defendant (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 8, 1992**

Defendant PaDOT's Responses to Plaintiff's Request for Admission (First Set ) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 9, 1992**

Motion of Glasgow/Nylee Inc./Section 1 Foundations to Have Unanswered Requests for Admissions Deemed Admitted Pursuant to R.C.P. 4014 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 13, 1992**

Department's Response to Plaintiff's's Motion Regarding Requests for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 16, 1992**

Plaintiff's Memorandum of Law and Support of its Motion to Have Unanswered Requests for Admission Deemed Admitted filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 13, 1993**

Memorandum of Law in Support of Department's Response to Plaintiff's Motion Regarding Requests for Admission filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 15, 1993**

Defendant's Response to Plaintiff's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 28, 1993**

Responses to Plaintiff's's Interrogatories Directed to Defendant PaDOT (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 29, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of November, 1993, the request of the Plaintiff is hereby **DENIED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 2, 1993**

Acceptance of Service of Opinion and Order dated November 29, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 30, 1993.

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**December 29, 1993**

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

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**February 9, 1994**

Sectional Foundations Answers and Objections to Defendant's Interrogatories to Plaintiff - First Set and Answer and Objection of Plaintiff to Defendant's Request for Production of Documents filed by attorney for Plaintiff's. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 3, 1994**

Central District Panel Hearing scheduled for July 27, 28 and 29, 1994 to be held in Board's Courtroom no. 2, Room 707 Transportation and Safety Building Harrisburg, PA commencing at 9:30 a.m.

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**July 27, 1994**

Central District Panel Hearing held in the Pennsylvania Utility Commission's Executive Office, First Floor, North Office Building, Harrisburg, PA, commencing at 9:30 a.m. Case Completed.

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**August 23, 1994**

Testimony of hearing held July 27, 1994 filed.

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**August 26, 1994**

Copy of testimony of hearing held July 27, 1994 forwarded to attorney for Defendant.

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**September 2, 1994**

Acceptance of Service of testimony of hearing held July 27, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 30, 1994.

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**November 9, 1994**

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

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**December 22, 1994**

Defendant's Findings of Fact, Conclusions of Law and Supporting Memoranda filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 4, 1995**

Central District Panel report filed.

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**December 21, 1995**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of December, 1995, upon due consideration of the pleadings, the record, and other submissions of the parties, it is hereby **ORDERED** and **DECREED** that an award be made in favor of the Plaintiff, Glasgow, Inc./The Nyleve Co. and Nyleve Bridge Corp. a joint venture for the use and benefit of Sectional Foundations, Inc. and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, wherein the Defendant shall pay the Plaintiff a sum in the amount of Twenty-Two Thousand Six Hundred Two Dollars and Sixty-Three Cents (\$22,602.63), plus interest at the legal rate of six percent (6%) per annum from the date the Claim was filed, August 10, 1990. Upon receipt of said award, Plaintiff shall forthwith filed with the Board of Claims a Praecipe to mark the case 'closed, discontinued and ended with prejudice'. Each party to bear its own costs and attorney fees." Copies forwarded to attorney for Plaintiff's, attorney for Defendant and Chief Deputy Attorney General.

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**January 2, 1996**

Acceptance of Service of Opinion and Order dated December 21, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 26, 1995.

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**May 31, 1996**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 31st day of May, 1996, a Rule to Show Cause is issued upon Glasgow, Inc./Nyleve Co. and Nyleve Bridge Corp., a joint venture for the use and benefit of Sectional Foundations, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff has received the monies awarded in the Board's Opinion and Order dated December 21, 1995. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**June 5, 1996**

Acceptance of Service of Opinion and Order dated May 31, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 3, 1996.

**June 17, 1996**

Response to Rule to Show Cause received from Plaintiff advising that Sectional Foundation declared bankruptcy and PaDOT's check was made payable to persons identified in that caption and efforts were being made to clarify the situation.

**June 20, 1996**

Acceptance of Service of Opinion and Order dated May 31, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 17, 1996.

**April 3, 1997**

Letter forwarded to parties requesting status report. STATUS REPORT DUE MAY 5, 1997.

**April 21, 1997**

Letter received from attorney for Plaintiff advising that Defendant is in a better position to advise of the status of payment of this case.

**April 24, 1997**

Letter received from attorney for Defendant advising that payment of the Board's judgment in full was paid by Defendant May 23, 1996 and that the case should be marked closed.

**May 2, 1997**

The Board rendered the following Order: "**AND NOW**, this 2nd day of May, 1997, upon receipt of a letter from Plaintiff, dated April 16, 1997, executed by Paul A. Logan, Esquire, on behalf of Plaintiff, advising that the Defendant is in a better position to advise the Board of the disposition of the payment of the Commonwealth, together with a letter from Defendant, dated April 22, 1997, executed by Michael Alsher, Assistant Counsel, on behalf of Defendant, advising that the Department paid in full the Board's judgment, on May 23, 1996, and requesting "...the Board issue an order closing the case.", it is **ORDERED** and **DIRECTED** that said case be marked "closed, discontinued and ended with prejudice". Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**May 2, 1997**

Acceptance of Service of Order dated May 2, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 6, 1997.