

Docket Number: 1471

PERINI CORPORATION

Paul A. Logan, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Kenneth L. Sable, Chief Claims Attorney

October 12, 1990

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$43,218.71+.

October 17, 1990

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

October 22, 1990

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 18, 1990.

CLOSED

Preliminary Objections and Memorandum of Law in Support of Preliminary Objection filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 27, 1990

Memorandum of Law in Opposition to the Preliminary Objections of the Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 7, 1991

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

January 25, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 25th day of January, 1991, the Preliminary Objections as filed by the Defendant to Count II will be STRICKEN from the Complaint.

The Defendant is given thirty (30) days from the date of this Order to file an appropriate responsive pleading." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 30, 1991

Acceptance of Service of Opinion and Order dated January 25, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 28, 1991.

February 28, 1991

Perini Corporation's Answers to the Defendant's Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 4, 1991

Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 14, 1991

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

February 6, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of February, 1992, upon due consideration of the Agreement of the parties and other submissions, it is hereby **ORDERED** and **DECREED** that Defendant, Commonwealth of Pennsylvania, Department of Transportation, shall pay to Plaintiff, Perini Corporation, the sum of Three Hundred Fifteen Thousand Dollars (\$315,000.00) in full satisfaction and settlement of the claims set forth in Plaintiff's Complaint. Plaintiff shall withdraw its Complaint and upon payment of the within award, file a Praecipe with the Board of Claims requesting that the matter be marked 'dismissed with prejudice'. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 11, 1992

Acceptance of Service of Opinion and Order dated February 6, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 7, 1992.

March 5, 1992

Acceptance of Service, not executed, filed by Perini Corporation, in that it was felt that there was not a full compliance with the terms and conditions of the Settlement.

June 18, 1992

Conference scheduled from June 24, 1992, in Judge Pace's chambers, Room 707 Transportation & Safety Building at 2:30 p.m. on parties' failure to resolve the outstanding settlement.

June 24, 1992

Conference originally scheduled for June 24, 1992, rescheduled to commence July 14, 1992, in Judge Pace's chambers, Room 707 Transportation & Safety Building at 2:30 p.m. on parties' failure to resolve the outstanding settlement.

July 13, 1992

Notice of Deposition of the Records Custodian of the Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 14, 1992

Conference originally scheduled for July 14, 1992, in Judge Pace's Chambers, Room 707 Transportation & Safety Building at 2:30 p.m. canceled per telephone call received from Plaintiff this date advising of possible settlement.

February 22, 1994

Letter/Praecipe to settle, discontinue and end filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 25, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW,** this 25th day of February, 1994, upon receipt of a Letter/Praecipe executed by Robert E. Heideck, Esquire, on behalf of Plaintiff, Perini Corporation, which states "The parties have fully and finally resolved all of their differences and all payments required to be made under the settlement have been made. The matter can be marked as settled, discontinued and ended." Same of which is docketed with this Board under date February 22, 1994, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 1, 1994

Acceptance of Service of Opinion and Order dated February 25, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 28, 1994.

March 8, 1994

Acceptance of Service of Opinion and Order dated February 25, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 4, 1994.

CLOSED