

Docket Number: 1489

NEW ENTERPRISE STONE & LIME CO. to the use of LOIS L. CLARK t/d/b/a
KEE-TA-QUAY CONSTRUCTION

C. Grainger Bowman, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~
John J. Robinson, Jr., Chief Claims Attorney

January 2, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$17,185.68+.

January 8, 1991

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

January 10, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 9, 1991.

CLOSED

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

January 23, 1992

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

January 23, 1992

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

February 9, 1993

Agreement and Release executed by both parties filed by attorney for Defendant.

July 16, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 16th day of July, 1993, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is indebted unto the Plaintiff, New Enterprise Stone & Lime Co., to the use of Lois L. Clark t/d/b/a Kee-Ta-Quay Construction, in the full and true sum of Ten Thousand Dollars

(\$10,000.00). Each party to bear its own costs and attorneys'

July 16, 1993 (cont'd)

fees. Upon receipt of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked 'settled and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 20, 1993

Acceptance of Service of Opinion and Order dated July 16, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 19, 1993.

July 21, 1993

Acceptance of Service of Opinion and Order dated July 16, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 19, 1993.

CLOSED

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 30th day of November, 1993, a Rule to Show Cause is issued upon Plaintiff, New Enterprise Stone & Lime Co., to the use of Lois L. Clark t/d/b/a Kee-Ta-Quay Construction, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days from the exit date 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." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 3, 1993

Acceptance of Service of Opinion and Order dated November 30, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 1, 1993.

January 24, 1994

Letter/Praecipe filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 1, 1994

The Board made the following Order: **"AND NOW,** this 1st day of February, 1994, upon receipt of Praecipe, executed by C. Grainger Bowman, Esquire on behalf of the Plaintiff, same of which is docketed

with this Board under date of January 24, 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.

February 3, 1994

Acceptance of Service of Opinion and Order dated February 1, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 3, 1994.

February 4, 1994

Acceptance of Service of Opinion and Order dated February 1, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff by attorney for Defendant.

CLOSED