

Docket Number: 1491

MASHUDA CORPORATION

Bert R. Oastler, Esquire
Carleton O. Strouss, Esquire

VS.
CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~
Jeffrey W. Davis, Assistant Counsel

January 14, 1991

Claim and filing fee filed by attorneys for Plaintiff. Amount of Claim: \$10,313,146.00+.

January 18, 1991

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

January 23, 1991

Acceptance of Service of Statement of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 22, 1991.

CLOSED

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

April 17, 1991

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

May 3, 1991

Defendant's Request for Production of Documents filed by Jeffrey W. Davis, Assistant Counsel (Department of Transportation). Copy forwarded to attorney for Plaintiff by Jeffrey W. Davis, Assistant Counsel.

May 7, 1991

Reply to New Matter filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 4, 1991

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

June 17, 1991

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

July 22, 1991

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

July 22, 1991

Stipulation of Parties that Amended Answer with New Matter applies also to paragraphs 40 through 56 of original Answer with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 26, 1991

Plaintiff's Supplemental Responses to Interrogatories of Defendant to Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 5, 1991

Plaintiff's Supplemental Response to Interrogatories of Defendant to Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 31, 1992

Notice of Deposition of the Commonwealth of Pennsylvania, Department of Transportation filed by Philip E. Beck, Esquire and Bert R. Oastler, Esquire. Copy forwarded to attorney for Defendant by Philip E. Beck, Esquire and Bert R. Oastler.

August 5, 1992

Hearing scheduled for January 19 through 22, 1993 and January 26 through 29, 1993, if necessary, in Board's Court Room # 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

December 3, 1992

Proposed Order Allowing Amendment of Plaintiff's Complaint consented to by attorney for Plaintiff (Philip E. Beck) and attorney for Defendant but filed by attorney for Plaintiff (Carleton O. Strouss).

December 3, 1992

First Amendment to Plaintiff's Statement of Claim (Complaint) filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 7, 1992

Plaintiff's First Request for Admissions to Defendant filed by attorneys for Plaintiff (Philip E. Beck and Carleton O. Strauss).
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 16, 1992

Copy of First Amendment to Plaintiff's Statement of Claim (Complaint) forwarded to Chief Deputy Attorney General.

December 17, 1992

The Board made the following Order: "In accordance with the Rules of the Board of Claims and Rule 1033 of the Pennsylvania Rules of Civil Procedure, and with the consent of both parties, it is hereby **ORDERED** and **DECREED** that Plaintiff Mashuda Corporation is allowed to amend its statement of Claim (Complaint), as indicated in the attached First Amendment to Plaintiff's statement of Claim (Complaint). To the extent this Amendment calls for a response by Defendant, the allegations are deemed denied without the requirement of any further responsive pleading by the Defendant. **SO ORDERED**, this 17th day of December, 1992."

December 21, 1992

Copy of Order dated December 17, 1992 forwarded to attorneys for Plaintiffs, attorney for Defendant and Chief Deputy Attorney General.

December 23, 1992

Acceptance of Service of Order Allowing Amendment of Plaintiff's Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 22, 1992.

December 29, 1992

Acceptance of Service of First Amendment to Plaintiff's Statement of Claim (Complaint) received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 18, 1992.

December 30, 1992

Acceptance of Service of Order Allowing Amendment of Plaintiff's Complaint received from attorney for Plaintiff (Carleton O. Strauss, Esquire). Receipt of same acknowledged by attorney for Plaintiff December 22, 1992.

January 4, 1993

Acceptance of Service of Order Allowing Amendment of Plaintiff's Complaint received from attorney for Plaintiff (Philip E. Beck). Receipt of same acknowledged by attorney for Plaintiff December 28, 1992.

January 8, 1993

Acceptance of Service of Order Allowing Amendment of Plaintiff's Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 4, 1993.

January 19, 1993

Hearing held in Board's Court Room No. 1, 777 Transportation & Safety Building, Harrisburg, Pennsylvania commencing at 10:12 a.m. Case settled.

January 28, 1993

Testimony of hearing held January 19, 1993 filed.

February 2, 1993

Copy of testimony forwarded to attorney for Defendant.

February 4, 1993

Acceptance of Service of testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 3, 1993.

June 25, 1993

Status Report and Praecipe for Discontinuance as well as Proposed Order filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 1, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 1st day of July, 1993, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is indebted unto the Plaintiff, Mashuda Corporation, in both cases, in the full and true sum of Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000.00). The allocation of the settlement payment is One Million Five Hundred Fifty Thousand Dollars (\$1,550,000.00) for the Claim docketed to number 1407, and Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) for the Claim docketed at number 1491. Upon

July 1, 1993 (cont'd)

receipt of said award, Plaintiff, in both cases, shall forthwith file with the Board of Claims a Praeipie that the case be marked 'settled, discontinued and ended with prejudice'. Each party to bear its own costs and attorneys' fees." Copy hand-delivered to attorney for Plaintiff and attorney for Defendant.

July 12, 1993

Praeipie to Discontinue filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 16, 1993

The Board rendered an Opinion and made the following Order: **AND** Now, this 16th day of July, 1993, upon receipt of a Letter Praeipie, executed by Carleton O. Strouss, Esquire, on behalf of Plaintiff, Mashuda Corporation, which states 'Check having been tendered to Mashuda Corporation in accordance with the order entered by the Board on July 1, 1993, a copy of which is attached with this Praeipie and date of July 12, 1993, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to all attorneys of record.

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 23, 1993

Acceptance of Service of Opinion and Order dated July 16, 1993 received from attorney for Plaintiff (Carleton O. Strouss, Esquire). Receipt of same acknowledged by attorney for Plaintiff.

July 26, 1993

Acceptance of Service of Opinion and Order dated July 16, 1993 received from attorney for Plaintiff (Bert R. Oastler, Esquire). Receipt of same acknowledged by attorney for Plaintiff July 21, 1993.
