

Docket Number: 1492

GOLDEN TRIANGLE CONSTRUCTION CO., INC. to the use of BURRELL
INDUSTRIES, INC.

Stuart J. Moskowitz, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Counsel~~
~~James W. Kutz, Assistant Counsel~~
Stephen S. Stokwitz, Assistant Counsel

January 22, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$76,764.74+

January 24, 1991

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

January 28, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 25, 1991.

CLOSED

January 30, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 25, 1991.

February 22, 1991

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

March 26, 1991

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

April 10, 1991

Letter requesting Preliminary Objections be withdrawn received from attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 19, 1991

Letter forwarded to parties withdrawing Preliminary Objections filed by attorney for Defendant.

April 30, 1991

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

May 22, 1991

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

May 29, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 29th day of May, 1991, it is **ORDERED** and **DECREED** that the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, be and are hereby **DISMISSED** as being **MOOT**. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 29, 1991

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

CLOSED

May 29, 1991

Acceptance of Service of Opinion and Order dated May 29, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 29, 1991.

July 2, 1992

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

May 21, 1996

Central Panel hearing scheduled for August 7, 8 and 9, 1996 in Board's Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, PA to commence at 9:30 a.m.

August 7, 1996

Central Panel hearing held this date in Board's Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, PA commencing at 9:30 am.

August 8, 1996

Central Panel hearing held this date in Board's Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, PA commencing at 9:30 am. Case Completed.

September 18, 1996

Testimony for hearing held August 7 & 8, 1996 filed.

September 24, 1996

Copy of testimony for hearing held August 7 & 8, 1996 forwarded to attorney for Defendant.

October 24, 1996

Letter received from attorney for Plaintiff requesting an extension until November 1, 1996, to file Plaintiff's Findings of Fact, Conclusions and Brief. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 1, 1996
Plaintiff's Proposed Findings of Fact, Conclusions of Law and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
November 2, 1996

Defendant's Motion to Strike Plaintiff's Proposed Findings of Fact and Memorandum of Law in Support Thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Plaintiff.

December 16, 1996

The Board rendered an Opinion and made the following Order: "AND NOW, this 16th day of December, 1996, it is ORDERED and DECREED that Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Motion to Strike Plaintiff's, Golden Triangle Construction Co., Inc. to the use of Burrell Industries, Inc., Proposed Findings of Fact and Memorandum of Law in Support thereof is hereby DENIED. It is further ORDERED and DECREED that counsel for the Defendant shall file his Proposed Findings of Fact and Conclusions of Law and Brief in Support thereof within thirty (30) days of the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 19, 1996

Acceptance of Service of Opinion and Order dated December 16, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 17, 1996.

December 23, 1996

Acceptance of Service of Opinion and Order dated December 16, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 19, 1996.

January 24, 1997

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

May 5, 1997

Panel Report of Central District Panel filed.

August 15, 1997

CLOSED

The Board rendered and opinion and made the following Order: "AND NOW, this 15th day of August, 1997, it is hereby **ORDERED** and **DECLINED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is indebted unto the Plaintiff, Golden Triangle Construction Co., Inc., to the use of Burrell Industries, Inc., in the full and true sum of Thirteen Thousand Eight Hundred Ninety-Three Dollars and Thirty-Two Cents (\$13,893.32) with interest at the legal rate of six percent (6%) per annum from January 24, 1991. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims, a Praecipe requesting the case be marked 'closed, discontinued and ended with prejudice'. Each party to bear its own costs and attorney fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

September 9, 1997

Acceptance of Service of Opinion and Order dated August 15, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 2, 1997.

September 9, 1997

Acceptance of Service of Opinion and Order dated August 15, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 4, 1997.
