

Docket Number: 1496

KIEWIT EASTERN COMPANY AND PERINI CORPORATION, A JOINT VENTURE

Paul A. Logan, Esquire

\*\*\*C. Grainger Bowman, Esquire

\*\*\*\*David T. Bolger, Esquire

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~

~~James W. Kutz, Assistant Counsel~~

John J. Buchy, Jr., Assistant Counsel

**\*January 30, 1991**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$144,409.00+.

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**February 5, 1991**

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

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**February 7, 1991**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 6, 1991.

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February 8, 1991

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 6, 1991.

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March 11, 1991

Notice of Deposition and Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 5, 1991**

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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**April 12, 1991**

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

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**\*December 6, 1991**

Consolidated and First Amended Complaint filed by attorney for Plaintiff. Amount of Amended Complaint: \$23,000,000.00+. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 10, 1991**

Copy of Consolidated and First Amended Complaint forwarded to Chief Deputy Attorney General.

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**December 12, 1991**

Acceptance of Service of letter acknowledging receipt of the Consolidated and First Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 11, 1991.

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**\*\*December 13, 1991\*\***

The Board rendered an opinion and made the following Order: **"AND NOW,** this 13th day of December, 1991, the Consolidated and First Amended Complaint filed by the Plaintiff, Kiewit Eastern Company and Perini Corporation, a Joint Venture is hereby **GRANTED.** As of this date the two (2) matters of Docket numbers 1496 and 1564 will advance forward as a consolidated case. All pleadings, depositions, and other discovery will contain the two (2) docket numbers and all discovery will be considered interchangeable between each case. At the time of trial the two (2) cases will be tried simultaneously." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 16, 1991**

Acceptance of Service of letter acknowledging receipt of the Consolidated and First Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 12, 1991.

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**December 18, 1991**

Acceptance of Service of Opinion and Order dated December 13, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 17, 1991.

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**December 23, 1991**

Acceptance of Service of Opinion and Order dated December 13, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 19, 1991.

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**January 31, 1992**

Letter filed by attorney for Defendant requesting certain matter be stricken from the Complaint. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**February 24, 1992**

Subpoena and Proof of Service for Kidde Consultants, Inc. and Gannett Fleming Environmental Engineers, Inc. filed by Fay B. Hunsberger, Paralegal. Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**February 27, 1992**

Subpoena and Proof of Service for the Commonwealth of Pennsylvania, Department of Transportation filed by Fay B. Hunsberger, Paralegal. Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**March 18, 1992**

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

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**April 6, 1992**

Subpoena and Proof of Service for the Office of Inspector General filed by Fay B. Hunsberger, Paralegal. Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**April 13, 1992**

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

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**April 13, 1992**

Subpoena and Affidavit of Service for Urban Engineers, Inc. filed by Fay B. Hunsberger, Paralegal (Plaintiff).

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**April 20, 1992**

Kiewit Eastern Corporation/Perini Corporation A Joint Venture's Request for Production of Documents directed to Defendants (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 24, 1992**

Office of Inspector General's Motion for Protective Order filed by Ernest R. Closser, III, Deputy General Counsel, Office of Inspector General. Copy forwarded to attorney for Plaintiff and attorney for Defendant by Ernest R. Closser, III, Deputy General Counsel, Office of Inspector General.

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**April 24, 1992**

Office of Inspector General's Motion for Stay of Proceedings filed by Ernest R. Closser, III, Deputy General Counsel, Office of Inspector General. Copy forwarded to attorneys for Plaintiff and attorney for Defendant by Ernest R. Closser, III, Deputy General Counsel, Office of Inspector General.

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**May 4, 1992**

Kiewit Eastern Corporation/Perini Corporation A Joint Venture's Expert Interrogatories Directed to Defendant filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorneys for Plaintiff.

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**May 11, 1992**

Defendant's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff (Paul A. Logan Esquire) by attorney for Defendant.

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**May 11, 1992**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of May, 1992, the Inspector General's Motion for Stay of Proceedings pending the outcome of the Motion for Protective Order is hereby **GRANTED**. All proceedings in this matter will be stayed until the Board has had the opportunity to hear and to rule upon the Motion for Protective Order." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Office of Inspector General.

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**May 14, 1992**

Acceptance of Service of Opinion and Order received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 12, 1992.

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**May 14, 1992**

Acceptance of Service of Opinion and Order received from attorney for Office of Inspector General. Receipt of same acknowledged by attorney for Office of Inspector General May 12, 1992.

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**May 18, 1992**

Acceptance of Service of Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 13, 1992.

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**May 28, 1992**

Acceptance of Service of Opinion and Order received from attorney for Plaintiff (C. Grainer Bowman). Receipt of same acknowledged by attorney for Plaintiff (C. Grainer Bowman) May 15, 1992.

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**June 4, 1992**

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

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**July 6, 1992**

Petition of High Steel Structures to Intervene and To Amend The Caption filed by High Steel Structures. Copy forwarded to attorneys for Plaintiff and attorney for Defendant by attorney for High Steel Structures.

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**July 27, 1992**

Commonwealth of Pennsylvania, Department of Transportation's Brief in Opposition to Plaintiff's Preliminary Objections to Defendant's Counterclaim filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

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**August 3, 1992**

Affidavit of Service of Subpoenas Duces Tecum of Bucheye Pipe Line Company, Laurel Pipe Line Company, Sun Pipeline Company/Atlantic Pipeline Corporation, Philadelphia Suburban Water Company, BCM Engineering, PAQ, Inc., John P. Damon Associates, Inc., Suburban Cable Company/American Cablevision of America and Bell of Pennsylvania filed by Fay B. Hunsberger, Paralegal (Plaintiff). Copy forwarded to attorney for Defendant by Fay B. Hunsberger (Paralegal).

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**August 3, 1992**

Affidavit of Process Server Duces Tecum of Sohio Pipeline Company and Proof of Service of Duces Tecum of GAI Construction Monitoring Service, Inc., filed by David T. Bolger, Esquire (Plaintiff).

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**August 7, 1992**

Reply Brief of Kiewit Eastern Company and Perini Corporation, A Joint Venture, to Brief of Pennsylvania Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 7, 1992**

Plaintiff Kiewit/Perini's Reply to Defendant, Commonwealth of Pennsylvania, Department of Transportation's (PaDOT") Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**CLOSED**

Affidavit of Service of Subpoenas Duces Tecum of High Steel Structures, Inc., Innovations Engineering Products, Inc.

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**September 8, 1992**

Praecipe to Withdraw Petition of High Steel to Intervene by High Steel Structures. Copy forwarded to attorneys for Plaintiff and attorney for Defendant by High Steel Structures.

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**October 7, 1992**

Affidavits of Service and Subpoenas for E. L. Conwell Records Custodian, Harvey Yokes, Jack Smyth and Francis Dupell filed by Fay B. Hunsberger, Paralegal (Plaintiff). Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**October 12, 1992**

Proposed Order and accompanying letter received VIA FAX filed by Kenneth M. Cushman, Esquire (attorney for High Steel Structures). Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) and attorney for Defendant by Kenneth M. Cushman, Esquire (attorney for High Steel Structures).

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**October 13, 1992**

Proposed Order and accompanying letter received VIA MAIL filed by Kenneth M. Cushman, Esquire (attorney for High Steel Structures).

Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) and attorney for Defendant by Kenneth M. Cushman, Esquire (attorney for High Steel Structures).

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**January 11, 1993**

Kiewit Eastern Corporation/Perini Corporation A Joint Venture's Request for the Production of Documents Directed to Defendant (Second Set) filed by attorneys for Plaintiff. Copy forwarded to attorneys for Defendant by attorneys for Plaintiff.

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**CLOSED**

January 12, 1993

Subpoenas Duces Tecum that were served late November/early December 1992 upon Donald J. Bergman & Associates, Parkle and Company, Coastal Steel Construction Company, Inc., Victor Elias & Associates, P.C., Jas. Zebrowski Engineers, Inc., Johns, Marmion & Thompson, P.C., The Lane Construction Company, Lozier Architects-Engineers and James D. Morrissey, Inc. filed by Therese A. Weaver, Paralegal. Copy forwarded to attorney for Plaintiff by Therese A. Weaver, Paralegal.

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**January 19, 1993**

Memorandum of Law in Opposition to Office of Inspector General's Motion for Protective Order filed by attorneys for Plaintiff. Copy forwarded to Office of Inspector General by attorneys for Plaintiff.

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**January 19, 1993**

Defendant's Interrogatories to Plaintiff, Kiewit Eastern Company & Perini Corporation, a Joint Venture - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 21, 1993**

Affidavits of Service and Subpoenas served upon Jackie Wad and Edward M. Magaree filed by Fay B. Hunsberger, Paralegal. Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**January 25, 1993**

Certificate of Service of Memorandum of Law in Opposition to the



Office of Inspector General Motion for Protective Order filed by attorney for Plaintiff.

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**February 11, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of February, 1993, it is hereby **ORDERED** and **DECREED** that the withdrawal of the Petition to Intervene and to Amend the Caption is **APPROVED** with prejudice, provided that this withdrawal shall have no prejudicial effect on High Steel Structures' Claims filed before the Board of Claims at Docket Nos. 1666 and 1667, or its claims, defenses or rights in any other action, and that this withdrawal shall not bar High Steel Structures for hereafter requesting intervention in this case if it is determined that High Steel Structures may not proceed with case Docket Nos. 1666 and 1667." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for High Steel Structures.

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**February 17, 1993**

Practicing of Motion Wallace & Murkin to Withdraw a Copy Relieved by attorney for Plaintiff (C. Grainger Bowman, Esquire) and John S. Oyler, Esquire. Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) and attorney for Defendant by attorney for Plaintiff (C. Grainger Bowman, Esquire).

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**February 22, 1993**

Acceptance of Service of Opinion and Order dated February 11, 1993 received from attorney for Plaintiff (C. Grainger Bowman, Esquire).

Receipt of same acknowledged by attorney for Plaintiff (C. Grainger Bowman, Esquire) February 17, 1993.

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**February 23, 1993**

Acceptance of Service of Opinion and Order dated February 11, 1993 received from attorney for High Steel Structures. Receipt of same acknowledged by attorney for High Steel Structures February 22, 1993.

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**February 25, 1993**

Acceptance of Service of Opinion and Order dated February 11, 1993 received from attorney for Plaintiff (Paul A. Logan, Esquire).

Receipt of same acknowledged by attorney for Plaintiff (Paul A. Logan, Esquire) February 19, 1993.

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**March 2, 1993**

Plaintiff's Answers to Defendant's Interrogatories to Plaintiff, Kiewit Eastern Company & Perini Corporation, a Joint Venture - First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 4, 1993**

Notice of Deposition of Douglas May, Jeffrey Wendel and James Ottinger filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 8, 1993**

Notice of Deposition of Douglas May, Jeffrey Wendel and James Ottinger rescheduling same filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 15, 1993**

Praecipe for Entry of Appearance filed by C. Grainger Bowman, Esquire, attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff (C. Grainger Bowman, Esquire).

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**April 9, 1993**

Deposition of Michael A. Williams; Harvey R. Yokes; Michele Sheppard; Michael P. Keller; Sheldon J. Shoemaker; B.J. Pattay; Edward Magargee; Paul Sivertsen; Frank Dupell; Elmore J. Boles and Jack Smyth filed by attorney for Plaintiff.

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**May 17, 1993**

Deposition of James Ottinger filed by attorneys for Plaintiff.

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**June 2, 1993**

The Board rendered an Opinion and made the following Order: **"AND**

**NOW**, this 2nd day of June, 1993, the Motion for Protective Order as filed by the Defendant, Commonwealth of Pennsylvania, Office of Inspector General will be ruled upon by the Board after they convene hearing where the subject matter of this Protective Order will be reviewed by the Board. The Board will convene this hearing with due haste after conduct is made by the Board of Claims' Senior Counsel." Copy forwarded to attorneys for Plaintiff and attorney for Defendant.

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**June 4, 1993**

Acceptance of Service of Opinion and Order dated June 2, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 3, 1993.

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**CLOSED**

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Acceptance of Service of Opinion and Order dated February 11, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 4, 1993.

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Acceptance of Service of Opinion and Order dated June 2, 1993, received from attorney for Plaintiff (Paul A. Logan, Esquire). Receipt of same acknowledged by attorney for Plaintiff June 4, 1993.

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**\*\*\*June 7, 1993**

Praecipe for Entry of Appearance filed by David T. Bolger, Esquire, attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 7, 1993**

Notice of Deposition of George Leach, Paul Silvertsen and John J. Gallagher filed by Fay B. Hunsberger, Paralegal. Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**June 14, 1993**

Copy of Opinion and Order dated June 2, 1993 forwarded to attorney for Office of Inspector General.

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**June 24, 1993**

The Board rendered an Opinion and made the following Order: **"AND**

**NOW**, this 24th day of June, 1993, the Preliminary Objections of the Plaintiff to the Counterclaim and Set-Off of the Defendant are hereby **DENIED**. The Preliminary Objections of the Plaintiff to the Defendant's attorneys' fee are also **DENIED**. The Plaintiff is **ORDERED** to file appropriate pleadings within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff, attorney for Defendant, and Joseph Thomas, Deputy General Counsel (attorney for Office of Inspector General).

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**June 24, 1993**

Corrected copy of Page Number 185 of the deposition of John A. Gallagher, received from Fay B. Hunsberger, Paralegal. Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**June 30, 1993**

Plaintiff's Request for Production of Documents (Second Set) Addressed to Defendant Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff (Paul A. Logan, Esquire).

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**July 1, 1993**

Acceptance of Service of Opinion and Order dated June 2, 1993 received from attorney for Office of Inspector General. Receipt of same acknowledged by attorney for Office of Inspector General June 29, 1993.

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**July 6, 1993**

Acceptance of Service of Opinion and Order dated June 24, 1993 received from attorney for Plaintiff (Paul A. Logan, Esquire). Receipt of same acknowledged by attorney for Plaintiff July 1, 1993.

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**July 29, 1993**

Subpoenas Duces Tecum and Notice of Depositions of W. P. Dickerson & Son, Inc. and James D. Morrissey, Inc. filed by Therese A. Weaver, Paralegal. Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) by Therese A. Weaver, Paralegal.

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**August 11, 1993**

Stipulation and Confidentiality Order executed by attorney for Plaintiff (Paul A. Logan, Esquire) and attorney for Defendant, but filed by attorney for Plaintiff (Paul A. Logan, Esquire). Copy

forwarded to attorney for Defendant by attorney for Plaintiff (Paul A. Logan, Esquire).

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**August 23, 1993**

Copies of Stipulation and Confidentiality Order executed by Judge Pace forwarded to attorneys for Plaintiff and attorney for Defendant.

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**August 25, 1993**

Corrected sheet of Deposition of George Leach filed by Fay B. Hunsberger, Paralegal. Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal.

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**August 26, 1993**

Acceptance of Service of Stipulation and Confidentiality Order executed by Judge Pace received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 27, 1993.

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**August 27, 1993**

Acceptance of Service of Stipulation and Confidentiality Order executed by Judge Pace received from attorney for Plaintiff (C. Grainger Bowman, Esquire). Receipt of same acknowledged by attorney for Plaintiff August 25, 1993.

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**August 30, 1993**

Acceptance of Service of Stipulation and Confidentiality Order executed by Judge Pace received from attorney for Plaintiff (Paul A. Logan, Esquire). Receipt of same acknowledged by attorney for Plaintiff August 25, 1993.

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**September 7, 1993**

Kiewit Eastern Corporation/Perini Corporation A Joint Venture's, Interrogatories Addressed to the Commonwealth of Pennsylvania, Department of Transportation (First Set) With Associated Request for Production of Documents filed by attorney for Plaintiff (Paul A. Logan, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff (Paul A. Logan, Esquire).

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**September 10, 1993**

Subpoenas Duces Tecum served upon the following third parties: Providence Steel Company, Inc. and Superior Precast, Inc. and Notice of Oral Deposition and Subpoena served upon the following party: Frank M. Vibbert, P.E. of Schnabel Foundation Company and Affidavits of Service served upon the following parties: W.P. Dickerson & Son,

Inc., Providence Steel Company, Inc., Superior Precast, Inc. and Frank J. Vibbert of Schnabel Foundation Company filed by Therese A. Weaver, Paralegal (Department of Transportation). Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) by Therese A. Weaver, Paralegal (Department of Transportation).

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**September 14, 1993**

Department's Second Set of Interrogatories Directed to Plaintiff, Kiewit/Perini filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) by attorney for Defendant.

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**September 20, 1993**

Hearing scheduled for September 13 through September 15, 1994 as well as September 20, 1994 through September 22, 1994 and continuing until September 27 through September 30, 1994, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, at 10 a.m.

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Continuing Deposition of James Ottinger filed by Fay B. Hunsberger, Paralegal (Plaintiff). Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal (Plaintiff).

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**October 1, 1993**

Subpoena and Notice of Taking Deposition of Benjamin D. Rocuski, P.E. and Stephen M. Carl, P.E. filed by Therese A. Weaver, Paralegal (Department of Transportation). Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) by Therese A. Weaver, Paralegal (Department of Transportation).

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**October 7, 1993**

Department's Response to Plaintiff's Third Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) by attorney for Defendant.

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**October 12, 1993**

Answer with New Matter to PADOT's Counterclaim and Setoff filed by attorney for Plaintiff (Paul A. Logan, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff (Paul A. Logan, Esquire).

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**October 19, 1993**

Subpoenas and Notices of Taking Deposition of Buckley and Company, Inc. and Driscoll Construction Company, Inc., A Joint Venture, Driscoll Construction Company, Inc. and Eastern Prestressed Concrete Systems filed by Therese A. Weaver, Paralegal (Department of Transportation). Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) by Therese A. Weaver, Paralegal (Department of Transportation).

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**November 4, 1993**

Notice of Taking Deposition of Gregory F. Barwis, General Superintendent, James J. Anderson Construction Company, Inc. on Oral Examination Under PA. R.C.P. 4007.1 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff (Paul A. Logan, Esquire) by attorney for Defendant.

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**November 15, 1993**

Notice of Taking Deposition on Oral Examination Under PA. R.C.P. 4007.1 filed by attorney for Plaintiff (Paul A. Logan, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff (Paul A. Logan, Esquire).

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**November 22, 1993**

Plaintiff's Answers to Department's Second Set of Interrogatories Directed to Plaintiff, Kiewit/Perini filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 24, 1993**

Subpoena issued upon National Railroad Passenger Corporation ("Amtrak") and Notice of Taking Deposition on Oral Examination Under PA R.C.P. 4007.1 of National Railroad Passenger Company ("Amtrak") filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 24, 1993**

Subpoena issued upon Philadelphia Electric Company and Notice of Taking Deposition on Oral Examination Under PA. R.C.P. 4007.1 of Philadelphia Electric Company filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 2, 1993**

Subpoena issued upon Richard Kreck and Notice of Taking Deposition

on Oral Examination Under PA. R.C.P. 4007.1 of Richard Kreck filed by Fay B. Hunsberger, Paralegal (Plaintiff). Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal (Plaintiff).

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**December 9, 1993**

Affidavits of Service and Subpoenas for Wayne Germescheid and Urban Engineers and F. Richard Kreck and Urban Engineers filed by Fay B. Hunsberger, Paralegal. (Plaintiff). Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal (Plaintiff).

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**December 29, 1993**

Affidavits of Service of Subpoenas for Philadelphia Electric Company, AMTRAK, Buckley and Company, Inc.; and Driscoll Construction Company, Inc., Superior Precast, Inc. and Benjamin D. Rocuskie, P.E. and Stephen M. Carr, P.E. of Johnson, Mirman and Thompson, P.C.; Robert G. Rex, Vice President of Superior Precast, Inc. and Joseph A. Samano of Providence Steel Company, Inc. and Notice of Taking Deposition on Oral Examination Under PA R.C.P. 4007.1 of Robert G. Rex, Vice President of Superior Precast, Inc.; Joseph A. Samano of Providence Steel Company, Inc. and Robert E. Tucker, Chief Estimator of James J. Anderson Construction Company, Inc. filed by Therese A. Weaver, Paralegal (Department of Transportation). Copy forwarded to attorney for Plaintiff by Therese A. Weaver, Paralegal (Department of Transportation).

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**December 30, 1993**

Notice of Taking Deposition on Oral Examination Under PA. R.C.P. 4007.1 of Robert E. Tucker, Chief Estimator, James J. Anderson Construction Company, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 30, 1993**

Department's Objections and Answers to Kiewit Eastern Corporation/Perini Corporation, A Joint Venture's, Interrogatories Addressed to the Commonwealth of Pennsylvania, Department of Transportation (First Set) With Associated Request for The Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 7, 1994**

Praecipe for Entry of Appearance filed by David W. Francis, Esquire, attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 19, 1994**

Amended Praecipe for Entry of Appearance filed by David W. Frances, Esquire, attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 14, 1994**

Affidavits of Service and Subpoenas served upon Wayne Germscheid, Keith Schuster, George B. Koch, Ronald C. Beck, Keith E. Schuster, Wayne J. Germscheid and . Richard Knickfield by Fay B. Hunsberger, Paralegal (Plaintiff). Copy forwarded to attorney for Defendant by Fay B. Hunsberger, Paralegal (Plaintiff).

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**April 6, 1994**

Oral Deposition of Ronald Beck held January 10, 11, 13 & 14, 1994 filed by attorney for Plaintiff.

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**April 25, 1994**

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

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**May 20, 1994**

Hearing rescheduled for September 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29 & 30 and October 3, 4, 5, 6 & 7, 1994, if necessary, in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**June 3, 1994**

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

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**June 27, 1994**

Affidavit of Plaintiff which was inadvertently omitted from

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

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**January 11, 1996**

The Board rendered the following Order: "**AND NOW**, this 11th day of January, 1996, it is **ORDERED** and **DECREED** that the Joint Motion to Discontinue be **GRANTED**. It is further **ORDERED** and **DECREED** that the docket be marked settled, discontinued and ended with prejudice."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 24, 1996**

Acceptance of Service of Opinion and Order dated January 11, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 24, 1996.

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**CLOSED**