

Docket Number: 1498

TRI-STATE ASPHALT CORPORATION

Stuart J. Moskowitz, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

February 1, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$732,743.95+.

February 7, 1991

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

February 8, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 7, 1991.

CLOSED

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Letter requesting Preliminary Objections to be withdrawn received from attorney for Defendant.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 which were filed by attorney for Defendant.

***May 22, 1991**

Amended Complaint filed by attorney for Plaintiff. Amount of Amended Complaint: \$732,743.95+.

May 24, 1991

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

May 29, 1991

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 28, 1991.

May 31, 1991

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 28, 1991.

June 14, 1991

The Board rendered an Opinion and made the following Order: **AND NOW**, this 14th day of June, 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**. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 19, 1991

Acceptance of Service of Opinion and Order dated June 14, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 19, 1991.

June 24, 1991

Acceptance of Service of Opinion and Order dated June 14, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 19, 1991.

June 24, 1991

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

August 21, 1991

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

May 20, 1992

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

March 21, 1994

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

May 26, 1994

Plaintiff's Answer to Defendant's Interrogatories to Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 18, 1994

Defendant's Interrogatories to Plaintiff (Second Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 2, 1995

Plaintiff's Answer to Defendant's Interrogatories to Plaintiff (Second Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 23, 1996

Notice of Deposition of C.J. Remmy, II, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 1, 1997

Letter forwarded to parties requesting status. Response due from parties May 1, 1997.

August 6, 1997

Hearing scheduled for April 20-24, 27-30, May 1, 4-8, 1998, in Board's Court Room No. 1, commencing at 9:30 a.m.

August 18, 1997

Letter received from attorney for Plaintiff requesting until March 6, 1998 in which to file its Pre-Trial Statement. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 12, 1997

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 12th day of September, 1997, counsel for both parties are **ORDERED** to file their respective pre-trial statements on/or before March 6, 1998." Copy forwarded to attorney for Plaintiff to attorney for Defendant.

March 18, 1998

Letter received from attorney for Plaintiff (via fax) requesting an extension of time in which to file Plaintiff's Pre-trial Statement.

March 26, 1998

Copy of letter forwarded to attorney for Plaintiff by attorney for Defendant requesting discovery documents.

April 5, 1998

Plaintiff's Pre-Hearing Memorandum filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 20, 1998

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA.

April 21, 1998

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA.

April 22, 1998

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA. **Hearing Continued until May 4, 1998.**

May 4, 1998

Hearing held in Board's Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA. **CASE COMPLETED**

May 19, 1998

Testimony for hearing held April 20, 21 & 22, 1998 and May 4, 1998 filed.

June 1, 1998

Copy of testimony for hearing held April 20, 21 & 22, 1998 and May 4, 1998 forwarded to attorney for Defendant.

July 15, 1998

Letter received from attorney for Plaintiff requesting an extension of time until August 3, 1998 in which to file Plaintiff's Findings of Fact, Conclusions of Law and Brief. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 20, 1998

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until August 3, 1998 in which to file Plaintiff's Findings of Fact, Conclusions of Law and Brief. Response due August 3, 1998.

August 4, 1998

Letter received from attorney for Plaintiff requesting an extension of time until September 3, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 13, 1998

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until September 3, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief. Due September 3, 1998.

October 14, 1998

Letter received from attorney for Plaintiff requesting an extension of time until November 15, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 15, 1998

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until November 15, 1998 in which to file Plaintiff's Findings of Fact, Conclusions and Brief. Due November 15, 1998.

November 23, 1998

Letter forwarded to parties requesting status. Response due from parties December 23, 1998.

December 22, 1998

Plaintiff's Findings of Fact, Conclusions and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Defendant's Findings of Fact, Conclusions and Brief due January 22, 1999.

January 28, 1999

Letter received from attorney for Defendant requesting an extension of time until March 1, 1999 in which to file Defendant's Findings of Fact, Conclusions and Brief.

January 29, 1999

Letter forwarded to Defendant granting Defendant's request for an extension of time until March 1, 1999 in which to file Defendant's Findings of Fact, Conclusions and Brief.

March 18, 1999

Proposed Findings of Fact, Conclusions of Law and Brief in Support forwarded to attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 29, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of September, 1999, an award is entered in favor of the Plaintiff, Tri-State Asphalt Corporation and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation in the amount of One Hundred Eighty-Five Thousand Sixty-Five Dollars and Eighty-Two Cents (\$185,065.82) with interest at the legal rate of six percent (6%) per annum from August 2, 1990, the date the Department rejected Plaintiff's claim and advised Plaintiff to file a Claim with the Board of Claims. Each party to bear their own costs and attorneys' fees." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

October 7, 1999

Acceptance of Service of Opinion and Order dated October 1, 1999 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 1, 1999.

December 8, 1999

Letter forwarded to parties requesting status. Response due from

parties *January 10, 2000.*

January 31, 2000

Letter-type Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff.

May 18, 2000

The Board rendered the following Order: "**AND NOW**, this 18th day of May, 2000, upon receipt of a Praecipe stating: "In recognition of full payment by the Defendant of the amount set forth in satisfaction of the judgment entered by this Court in the above-captioned matter,, (sic) Plaintiff hereby requests that this Board mark this case 'satisfied, discontinued and ended with prejudice'." executed by Stuart J. Moskowitz, Esquire, on behalf of Plaintiff, Tri-State Asphalt Corporation, and docketed with this Board under date of January 31, 2000, it is hereby ~~ORDERED~~ and ~~DISCHARGED~~ that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED