

Docket Number: 1507

ADAMS COUNTY ASPHALT CO.

~~Diane M. Tokarsky, Esquire~~
~~Bruce W. Ficken, Esquire~~
~~Paul B. Kerrigan, Esquire~~
~~Robert E. Heideck, Esquire~~
George E. Pallas, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~Kenneth L. Sable, Chief Claims Attorney~~
James W. Kutz, Assistant Counsel

February 11, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$141,904.45+.

February 19, 1991

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

February 22, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 20, 1991.

February 26, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 21, 1991.

April 29, 1991

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

July 18, 1991

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

March 20, 1992

Withdrawal of Appearance of Diane M. Tokarsky, Esquire, and Norman I. White, Esquire, on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 20, 1992

Entry of Appearance of Bruce W. Ficken, Esquire and Paul B. Kerrigan, Esquire, on behalf of Plaintiff filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 20, 1992

Additional Entry of Appearance of Robert E. Heideck, Esquire, on behalf of Plaintiff filed by attorney for Plaintiff (Robert E. Heideck, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff (Robert E. Heideck, Esquire).

March 20, 1992

Request for Production of Documents Directed to Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 4, 1993

Petition to Withdraw filed by attorney for Plaintiff. Copy forwarded to Robert M. Mumma, II, President, Adams County Asphalt, Inc. and attorney for Defendant.

August 19, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of August, 1993, it is **ORDERED** and **DECREED** that counsel for the Plaintiff, i.e. Robert E. Heideck, Esquire, and his firm of Pepper, Hamilton and Scheetz is hereby permitted to withdraw from further representation of the Plaintiff, Adams County Asphalt Co. in these matters." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 25, 1993

Acceptance of Service of Opinion and Order dated August 20, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Plaintiff by attorney for Defendant.

November 30, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 30th day of November, 1995, a Rule to Show Cause is issued upon Plaintiff, Adams County Asphalt Co., to show cause why the Claim should not be dismissed for failure to abide by the Board's instructions per letter dated May 13, 1994. A response to this Rule is due within thirty (30) days of the date of this Order which is accepted by the Board as compliance with the law, otherwise the Rule shall be made absolute and the case dismissed." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 7, 1995

Acceptance of Service of Opinion and Order dated November 30, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Defendant by attorney for Plaintiff.

January 23, 1996

Letter/Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 4, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 4th day of March, 1996, upon receipt of a Letter-type Praecipe, filed on behalf of Plaintiff, Adams County Asphalt, which states: 'In response to the rule to Show Cause issued in the above-referenced matter, please be advised that by written agreement dated June 1995, Adams County Asphalt Company and the Pennsylvania Department of Transportation have resolved their differences relating to the projects and contracts which are the subject of the above-referenced matter. Therefore, kindly mark the above matter Settled, Discontinued and Ended.' same of which is docketed with this Board under date of January 23, 1995, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 11, 1996

Acceptance of Service of Order dated March 1, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 7, 1996.
