

Docket Number: 1510

DRISCOLL CONSTRUCTION CO., INC. to the use and benefit of TRINITY
PAVING COMPANY

Paul A. Logan, Esquire
David W. Francis, Esquire
C. Grainger Bowman, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~
Gerald R. Schultz, Assistant Counsel

February 21, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$14,185.16+.

February 26, 1991

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

March 1, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 28, 1991.

March 4, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 27, 1991.

April 3, 1991

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

May 20, 1991

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

November 18, 1991

Plaintiff's Request for the Production of Documents (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 18, 1991

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

November 22, 1991

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

May 26, 1992

Plaintiff's Requests for Admission Directed by Defendant (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 8, 1992

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

June 24, 1992

Answers to Plaintiff's Requests for Admission (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 11, 1993

Defendant's Requests for Admission Directed to Plaintiffs (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 24, 1993

Plaintiff's Responses to Defendant's Request for Admission Directed to Plaintiffs (First Set) filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

November 23, 1993

Praecipe for Entry of Appearance of David W. Francis, Esquire, and C. Grainger Bowman, Esquire, attorneys for Plaintiff (Trinity Paving Company). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 22, 1994

Hearing scheduled for April 12 and 13, 1994, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, at 10:00 a.m.

April 7, 1994

Plaintiff's First Amended Responses to Defendant's Requests for Admission Directed to Plaintiff (First Set) filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 8, 1994

Plaintiff's Second Amended Responses to Defendant's Requests for Admission Directed to Plaintiff (First Set) filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorneys for Plaintiffs.

April 11, 1994

Stipulation of Facts executed by parties, filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

April 12, 1994

Hearing held in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case continued.

April 17, 1994

Hearing scheduled for May 9, 1994, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, at 9:30 a.m.

May 9, 1994

Hearing held in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case completed.

May 9, 1994

Testimony of hearing held April 12, 1994 filed.

May 11, 1994

Copy of testimony of hearing held April 12, 1994 forwarded to attorney for Defendant.

May 13, 1994

Acceptance of Service of testimony of hearing held August 12, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 12, 1994.

June 6, 1994

Testimony of hearing held May 9, 1994 forwarded to attorney for Defendant.

August 9, 1994

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

September 9, 1994

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

August 17, 1995

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 17th day of August, 1995, we find in favor of the Defendant, Commonwealth of Pennsylvania, Department of Transportation. The request by Trinity Paving Company for judgment in the amount of Twenty-Three thousand Five Hundred Forty-Six dollars and Thirty-one Cents (\$23,546.13), with interest at a rate of six percent (6%), running from the date of the claims review committee, is **DENIED**. Each party to bear its own costs and attorneys' fees." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 23, 1995

Acceptance of Service of Opinion and Order dated August 17, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 22, 1995.

August 29, 1995

Acceptance of Service of Opinion and Order dated August 17, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 22, 1995.
