

Docket Number: 1521

**BATTELLE**

John W. Klingelhoef, Project Manager  
Gloria L. Miller, Contracting Officer

VS.  
**CLOSED**  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

Kenneth L. Sable, Chief Claims Attorney

**March 15, 1991**

Claim and filing fee filed by Plaintiff. Amount of Claim: \$2,540.00.

**March 18, 1991**

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

**March 21, 1991**

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

**March 26, 1991**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 19, 1991.

**April 1, 1991**

Letter/Answer recommending payment of Claim in the amount of \$2,540.00 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**April 26, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 26th day of April, 1991, after due consideration of the Claim and demand of Battelle and the Answer of the Commonwealth of Pennsylvania, Department of Transportation, it is hereby **ORDERED** and **DECREED** that an award be made in favor of the Plaintiff, Battelle, and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, in the amount of Two Thousand Five Hundred Forty Dollars (\$2,540.00). Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe that the case be marked settled, discontinued and ended with prejudice. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

**May 1, 1991**

Acceptance of Service of Opinion and Order dated April 26, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 30, 1991.

**May 2, 1991**

Acceptance of Service of Opinion and Order dated April 26, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 30, 1991.

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**May 7, 1991**

Acceptance of Service of Opinion and Order dated April 26, 1991 received from Plaintiff (Gloria L. Miller, Contracting Officer). Receipt of same acknowledged by Plaintiff May 2, 1991.

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**August 9, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of August, 1991, Rule to show Cause is issued upon Plaintiff, Battelle, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 12, 1991**

Acceptance of Service of Opinion and Order dated August 9, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 12, 1991.

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**August 23, 1991**

Acceptance of Service of Opinion and Order dated August 9, 1991 received from Plaintiff. Receipt of same acknowledged by Plaintiff August 20, 1991.

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**January 13, 1992**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of January, 1992, this Order is issued as a result of the failure of Plaintiff to advise the Board of Claims by written confirmation as to whether or not the Plaintiff received the amount of money awarded in the Board's Order of April 26, 1991. It is, therefore, **DIRECTED** that the Rule is made **ABSOLUTE** and that the record shall be marked closed and settled with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 16, 1992**

Acceptance of Service of Opinion and Order dated January 13, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 14, 1992.

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**CLOSED**