

Docket Number: 1534  
Consolidated for trial with Docket Number 1425

LISBON CONTRACTORS, INC.

Michael H. Payne, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney~~  
~~Stephen J. Busterna, Assistant Counsel~~

**May 24, 1991**

Claim and filing fee filed by Plaintiff. Amount of Claim: \$7,948,746.61+.

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**May 29, 1991**

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

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**May 30, 1991**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 29, 1991.

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**June 4, 1991**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 30, 1991.

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**June 18, 1991**

Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant (Stephen J. Busterna, Assistant Counsel). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**\*July 1, 1991**

Amended Complaint filed by attorney for Plaintiff. Amount of Amended Claim: same as original Claim.

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**July 3, 1991**

Preliminary Objections to Plaintiff's Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 10, 1991**

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

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**July 12, 1991**

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 10, 1991.

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**July 16, 1991**

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 11, 1991.

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**July 18, 1991**

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

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**August 15, 1991**

Plaintiff's Motion to Dismiss Defendant's Preliminary Objections and Compel Answer and Plaintiff's Memorandum in Support of Its Motion to Dismiss Defendant's Preliminary Objections and Compel Answer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 20, 1991**

Defendant's Brief in Support of Preliminary Objections to Plaintiff's Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 4, 1991**

Defendant's Interrogatories to Plaintiff Lisbon Contractors, Inc. - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 25, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of September, 1991, the Preliminary Objections as filed by the Defendant are hereby **DENIED**. The Defendant is given thirty (30) days from the date of this Order to File appropriate pleadings." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 26, 1991**

Plaintiff's Reply Brief in Opposition of Defendant's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 30, 1991**

Acceptance of Service of Opinion and Order dated September 25, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 26, 1991.

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**September 30, 1991**

Acceptance of Service of Opinion and Order dated September 25, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 27, 1991.

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**October 23, 1991**

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

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**November 7, 1991**

Preliminary Objections and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 14, 1991**

Response to Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 26, 1991**

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

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**December 3, 1991**

Defendant's Responses to Plaintiff's First Set of Interrogatories and Request for Inspection of Documents to Defendant, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 20, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of December, 1991, the Preliminary Objections, as filed by the Plaintiff, is hereby **GRANTED**, and the allegation contained in Paragraph Number 60 of the Defendant's New Matter is hereby **STRICKEN**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 27, 1991**

Acceptance of Service of Opinion and Order dated December 20, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 24, 1991.

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**January 8, 1992**

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

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**\*April 20, 1992**

The Board rendered an Opinion and made the following Order: "**AND NOW, this 20th day of April, 1992, it is ORDERED and DECREED** that the cases docketed to Nos. 1525 and 1534 be, and are hereby, consolidated for trial. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 21, 1992**

Acceptance of Service of Opinion and Order dated April 20, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 21, 1992.

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**April 27, 1992**

Acceptance of Service of Opinion and Order dated April 20, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 22, 1992.

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**October 19, 1993**

Hearing scheduled for April 5, 6, 7, and 8, 1994, April 11, 12, 13, 14, and 15, 1994, and April 18, 19, 20, 21, and 22, 1994, if necessary, in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, at 9:30 a.m.

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**March 8, 1994**

Agreement and Release executed by parties, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 8, 1994**

Hearing scheduled for April 5, 6, 7, and 8, 1994, April 11, 12, 13, 14, and 15, 1994, and April 18, 19, 20, 21 and 22, 1994, canceled due to settlement.

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**April 18, 1994**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of April, 1994, upon due consideration of the Agreement and Release of the parties and other submissions, it is hereby **ORDERED** that Defendant, Commonwealth of Pennsylvania, Department of Transportation, shall pay to Plaintiff, Lisbon Contractors, Inc., the sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) which amount shall include the One Hundred-Dollar filing fees paid by Plaintiff to commence these actions, in full satisfaction and settlement of the matter. It is further **ORDERED** that Plaintiff shall withdraw its Claims and, upon payment of the within award, file a Praecipe with the Board of Claims requesting that both cases be marked settled and discontinued with prejudice. Each party to bear its own costs and attorneys fees other than the filing fee which is included in the award." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**April 19, 1994**

Acceptance of Service of Opinion and Order dated April 18, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 18, 1994.

**April 21, 1994**

Acceptance of Service of Opinion and Order dated April 18, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 18, 1994.

**January 3, 1994**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 3rd day of January, 1995, a Rule to Show Cause is issued upon Plaintiff, Lisbon Contractors, Inc., 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.