

Docket Number: 1552

CAPITAL AREA INTERMEDIATE UNIT

Dennis J. Shatto, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF GENERAL SERVICES

Randall N. Sears, Esquire
Michael J. Daley, Chief Counsel

July 31, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$122,438.06.

August 6, 1991

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

August 8, 1991

Acceptance of Service of Claim received from attorney for Defendant (Department of General Services). Receipt of same acknowledged by attorney for Defendant August 7, 1991.

August 8, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 7, 1991.

September 7, 1991

Letter filed by attorney for Defendant requesting Stay of Proceedings pending settlement. Copy forwarded to attorney for Plaintiff by attorney for Defendant (Department of Agriculture).

September 11, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of September, 1991, the matter herein is stayed for a period of sixty (60) days. If during the interim a settlement is consummated and, in that event, the Board will request a copy of the Settlement Agreement so that the Board may memorialize same.

If any other contingent matter interferes with the stay granted herein, the Board is to receive written notification of same." Copy forwarded to attorney for Plaintiff and attorneys for Defendants.

September 17, 1991

Acceptance of Service of Opinion and Order dated September 11, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 12, 1991.

September 20, 1991

Acceptance of Service of Opinion and Order dated September 11, 1991 received from attorney for Defendant (Department of Agriculture). Receipt of same acknowledged by attorney for Defendant September 17, 1991.

September 23, 1991

Acceptance of Service of Opinion and Order dated September 11, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 17, 1991.

November 7, 1991

Stipulation and Settlement Agreement filed by attorney for Defendant (Department of Agriculture). Copy forwarded to attorney for Plaintiff and attorney for Defendant (Department of General Services) by attorney for Defendant (Department of Agriculture).

January 23, 1992

CLOSED

The Board rendered an Opinion and made the following Order: AND NOW, this 23rd day of January, 1992, upon due consideration of the Stipulation and Settlement Agreement of the parties and other submissions, it is hereby **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania Department of Agriculture and Department of General Services, shall: (a) pay to Plaintiff, Capital Area Intermediate Unit, the sum of Sixteen Thousand One Hundred Thirty-Eight Dollars and Six Cents (\$16,138.06), as reimbursement for costs incurred; (b) reimburse the Plaintiff for all costs incurred pursuant to the Agreement dated July 24, 1991 between the Plaintiff Benatec Associates; and (c) contract and pay for such other and further remedial work, if any, which may be required to remedy such environmental contamination in accordance with the law and such Agreement, aforesaid. Upon performance of the above items, Plaintiff shall withdraw its Claim and file a Praecipe with the Board of Claims requesting that the matter be marked 'settled, discontinued and ended with prejudice'. In addition to the above sum, the Commonwealth of Pennsylvania shall reimburse the Plaintiff's filing fee in the amount of Fifty Dollars (\$50.00). All other costs of this action shall be borne by the respective parties." Copy forwarded to attorney for Plaintiff, attorneys for Defendants and Chief Deputy Attorney General.

January 29, 1992

Acceptance of Service of Opinion and Order dated January 23, 1992 received from attorney for Defendant (Department of General Services). Receipt of same acknowledged by attorney for Defendant January 28, 1992.

January 30, 1992

Acceptance of Service of Opinion and Order dated January 23, 1992 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 27, 1992.

January 31, 1992

Acceptance of Service of Opinion and Order dated January 23, 1992 received from attorney for Defendant (Department of Agriculture). Receipt of same acknowledged by attorney for Defendant January 27, 1992.

February 4, 1992

Acceptance of Service of Opinion and Order filed by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 31, 1992.

June 15, 1992

The Board rendered an Opinion and made the following Order: "AND NOW, this 15th day of June, 1992, a Rule to Show Cause is issued upon Plaintiff, Capital Area Intermediate Unit, wherein it is directed that Plaintiff advise the Board within thirty (30) days from the date of this Order whether or not Plaintiff has received the award of monies and costs 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.

June 18, 1992

Acceptance of Service of Opinion and Order dated June 15, 1992 received from attorney for Defendant (Department of Agriculture). Receipt of same acknowledged by attorney for Defendant June 16, 1992.

June 19, 1992

Acceptance of Service of Opinion and Order dated June 15, 1992 received from attorney for Defendant (Department of General Services). Receipt of same acknowledged by attorney for Defendant June 18, 1992.

June 22, 1992

Acceptance of Service of Opinion and Order dated June 15, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 16, 1992.

June 22, 1992

Letter/Praecipe filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant (Department of Agriculture) by attorney for Plaintiff.

June 29, 1992

The Board made the following Order: "AND NOW, this 29th day of June, 1992, upon receipt of a Letter/Praecipe filed by Dennis L. Shatto, Esquire, on behalf of Plaintiff advising that "this matter can be considered closed", said of which is reported to this Board under date of June 22, 1992, it is **ORDERED** and **DIRECTED** that said case be marked settled, discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 2, 1992

Acceptance of Service of Order dated June 29, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 1, 1992.

July 6, 1992

Certificate of Service advising that Letter/Praecipe filed on June 22, 1992 was served upon attorney for Defendant (Department of General Services) filed by attorney for Plaintiff.

July 6, 1992

Acceptance of Service of Opinion and Order dated June 15, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 16, 1992.

July 6, 1992

Acceptance of Service of Order dated June 29, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 1, 1992.

July 6, 1992

Acceptance of Service of Order dated June 29, 1992 received from attorney for Defendant (Department of Agriculture). Receipt of same acknowledged by attorney for Defendant July 1, 1992.

CLOSED