

Docket Number: 1558

**GANNETT FLEMING, INC.**

~~David A. Neely, Esquire~~

John Sieminski, Esquire

VS.  
**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Chief Claims Attorney~~

~~Stephen S. Stokwitz, Assistant Counsel~~

Gerald Schultz, Assistant Counsel

**August 12, 1991**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$793,659.89

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**August 21, 1991**

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

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**August 26, 1991**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 26, 1991.

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**CLOSED**

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

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**April 13, 1992**

Entry of Appearance of David A. Neely, Esquire on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 17, 1992**

Notice of Withdrawal of Appearance of Barbara R. McLemore, Esquire on behalf of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 31, 1992**

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

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**February 5, 1993**

Requests for Admission and Accompanying Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 25, 1993**

Defendant's Response to Plaintiff's Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 18, 1993**

Notice of Deposition of Greg Bednar and George Tanner filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 16, 1994**

Notice of Deposition of George Tanner and Greg Bednar filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 19**

Notice of Service of Request for Production of Documents on behalf of Kenneth Fleming filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 13, 1995**

Request for Admission and Accompany Request for Production, as well as Notice of Service of Request for Admission and Accompanying Request for Production of Documents, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 1, 1995**

Interrogatories Directed to Defendant, a Request for Production of Documents, and a Notice of Service of Interrogatories and Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 16, 1995**

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

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**May 31, 1995**

Entry of Appearance of Gerald Schultz, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 19, 1995**

Defendant's Interrogatories to Plaintiff - Second Set - filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 14, 1995**

Answers to Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 25, 1996**

Defendant's Interrogatories to Plaintiff - Third Set - filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 2, 1996**

Hearing scheduled for September 9, 10, 11, 12 and 13, 1996, as well as September 16, 17, 18, 19 and 20, 1996, in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

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**August 12, 1996**

Notice of Service of Third Set of Interrogatories & Third Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 19, 1996**

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

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**August 27, 1996**

Plaintiff's Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 27, 1996**

Motion in Limine filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 27, 1996**

Notice of Service of Response to Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 30, 1996**

Statement of Issues and Identification of Witnesses filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 3, 1996**

Defendant's Answers to Plaintiff's Third Set of Interrogatories Directed to PennDOT and Department's Response to Plaintiff's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 3, 1996**

Plaintiff's First Supplemental Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 4, 1996**

The Board rendered an Opinion and made the following Order: "AND NOW, this 4th day of September, 1996, upon consideration of Plaintiff's Motion in Limine, it is hereby ORDERED that the Motion is DENIED." Copies forwarded (via fax & U.S. Mail) to attorney for Plaintiff and attorney for Defendant.

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**September 9, 1996**

Acceptance of Service of Opinion and Order dated September 4, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 6, 1996

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**September 9, 1996**

Second Supplemental Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 9, 1996**

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA commencing at 9:30 a.m.

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**September 10, 1996**

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA commencing at 9:30 a.m. Case Completed.

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**CLOSED**

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October 7, 1996  
Testimony for hearing held September 9, 1996 filed  
October 22, 1996  
Testimony for hearing held September 10, 1996 filed

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**November 5, 1996**

Copy of Testimony for hearing held September 9 & 10, 1996, forwarded to attorney for Defendant. Plaintiff's Findings of Fact, Conclusions and Brief due 12/5/96. Defendant's Findings of Fact, Conclusions and Brief due 1/5/97.

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**December 5, 1996**

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

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**January 6, 1997**

Letter received from attorney for Defendant requesting an extension of time until January 17, 1997 to file its Findings, etc.

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**January 7, 1997**

Corrected copy of Volume I and II of testimony of hearing held October 9 and 10, 1996 filed.

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**January 13, 1997**

Copy of corrected copy of Volume I and II of testimony of hearing held October 9 and 10, 1996 forwarded to attorney for Defendant.

**January 13, 1997**

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**January 13, 1997**

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for an extension of time to file Defendant's Findings, etc. DEFENDANT'S FINDINGS, ETC DUE 1/17/97

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**January 23, 1997**

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

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**January 30, 1997**

Letter received from attorney for Plaintiff advising that they will be filing a Reply Brief. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 24, 1997**

Plaintiff's Reply Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 9, 1997**

The Board rendered an Opinion and made the following Order: " **AND NOW**, this 9th day of September, 1997, judgment is hereby entered in favor of Gannett Fleming, Inc., in the amount of Seven Hundred Forty-Seven Thousand Seven Hundred Ninety-Seven Dollars (\$747,797.00), with interest at the rate of six percent (6%) per annum from February 26, 1991. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that this matter be marked "closed, discontinued and ended with prejudice". Each party to bear its own costs and attorney fees."

Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**September 15, 1997**

Acceptance of Service of Opinion and Order dated September 9, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 11, 1997.

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**September 15, 1997**

Acceptance of Service of Opinion and Order dated September 9, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 10, 1997.

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**September 19, 1997**

Motion to Amend Order of September 9, 1997 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 23, 1997**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 23rd day of September, 1997, the Board of Claims' Opinion and Order of September 9, 1997, is amended as follows: 1) Judgment is hereby entered in favor of Plaintiff, Gannett Fleming, Inc., in the amount of Seven Hundred Seventy-Four Thousand Seven Hundred Ninety-Seven Dollars (\$774,797.00) with interest at the legal rate of (percent 6%) per annum from February 26, 1991, and 2) The amount specified on Page 35 of the Opinion and Order of September 9, 1997, is also amended to reflect the correct amount, i.e., \$774,797.00. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that this matter be marked 'closed, discontinued and ended with prejudice'. Each party to bear its own costs and attorney fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**September 29, 1997**

Acceptance of Service of Opinion and Order dated September 23, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 25, 1997.

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**September 30, 1997**

Acceptance of Service of Opinion and Order dated September 23, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 25, 1997.

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**November 17, 1997**

Praecipe to Close Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 19, 1997**

The Board made the following Order: **"AND NOW**, this 19th day of November, 1997, upon receipt of a Praecipe to Close Matter, requesting that the above-entitled matter be 'closed, discontinued and ended with prejudice', executed by John Sieminski, Esquire, on behalf of Plaintiff, Gannett Fleming, Inc., and docketed with this Board under date of November 17, 1997, it is **ORDERED** and **DIRECTED** that said case be marked 'closed, discontinued and ended with prejudice'." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 24, 1997**

Acceptance of Service of Order dated November 19, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 21, 1997.

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**November 25, 1997**

Acceptance of Service of Order dated November 19, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 20, 1997.

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**CLOSED**