

Docket Number: 1559

BRODHEAD CONSTRUCTION COMPANY, to the use of INTERSTATE CONTRACTORS  
SUPPLY CO.

Stuart J. Moskovitz, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Chief Claims Attorney~~  
Jeffrey W. Davis, Assistant Counsel

**August 7, 1991**

Claim and filing fee filed by attorney for Plaintiff, additional information to be requested. Amount of Claim: \$135,708.06+.

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**August 21, 1991**

Letter forwarded to attorney for Plaintiff requesting additional information. Copy forwarded to attorney for Defendant.

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**August 21, 1991**

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

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**August 26, 1991**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 21, 1991.

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**August 27, 1991**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 22, 1991.

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**August 27, 1991**

Additional information (Amended Claim containing abstracts of the contract) filed by attorney for Plaintiff.

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**September 6, 1991**

Copies of Amended Claim (Abstracts of the Contract) forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**September 9, 1991**

Acceptance of Service of Amended Claim (Abstracts of the Contract) received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 6, 1991.

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**September 12, 1991**

Acceptance of Service of Amended Claim (Abstracts of the Contract) received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 9, 1991.

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**October 3, 1991**

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

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**October 22, 1991**

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

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**January 21, 1992**

Defendant's Interrogatories to Plaintiffs filed by attorney for Defendant. Copy forwarded to attorney for Plaintiffs by attorney for Defendants.

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**January 21, 1992**

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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**January 24, 1992**

Plaintiff's First Set of Interrogatories to Defendant as well as Response, thereto, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 13, 1992**

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

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**May 12, 1992**

Plaintiff's Second Set of Interrogatories to Defendant as well as Response, thereto, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 29, 1992**

Previously filed on January 24, 1992 with Response -- Plaintiff's First Set of Interrogatories to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 9, 1992**

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

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**February 11, 1993**

Hearing scheduled for April 14, 15 and 16, 1993, before Eastern District, to be held in Board's Courtroom No. 2, Room 707 Transportation & Safety Building, Harrisburg, Pennsylvania

commencing at 10:00 a.m.

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**April 13, 1993**

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

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**April 14, 1993**

Supplemental Response to Plaintiff's First Set of Interrogatories to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 14, 1993**

Hearing held in Board's Courtroom No. 2, 777 Transportation & Safety Building, Harrisburg, PA at 10:00 a.m.

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**April 15, 1993**

Hearing held in Board's Courtroom No. 2, 777 Transportation & Safety Building, Harrisburg, PA at 10:00 a.m. Case completed.

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**May 14, 1993**

Testimony for hearing held April 14, 1993 filed.

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**May 17, 1993**

Testimony for hearing held April 15, 1993 filed.

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**May 28, 1993**

Copies of testimony for hearing held April 14 and 15, 1993 forwarded to attorney for Defendant.

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**June 1, 1993**

Acceptance of Service of Testimony for hearing held April 14 and 15, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 28, 1993.

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**August 17, 1993**

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

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**November 15, 1993**

Post-Hearing Brief of Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**December 8, 1993**

Praeipice to file Plaintiff's Reply Memorandum filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 8, 1993**

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

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**January 6, 1994**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 6th day of January, 1994, it is ORDERED and DECREED** that counsel for Plaintiff file a Reply Memorandum, and Reply Memorandum to be part of the record of this case." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 24, 1994**

Acceptance of Service of Opinion and Order dated January 6, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 11, 1994.

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**February 16, 1994**

Eastern District Panel Report filed.

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**October 4, 1994**

The Board rendered a Final Opinion and made the following Order: **"AND NOW, this 4th day of October, 1994, the Board of Claims awards the Plaintiff, Brodhead Construction Company, to the use of Interstate Contractors Supply Company, the amount of Sixty-One Thousand Six Hundred Seventy-Five Dollars and Fifty-Four Cents (\$61,675.54) for unpaid travel expenses on the force account provisions of the Contract, with interest at the legal rate of six percent (6%) per annum from August 7, 1991, the date the Claim was filed. Furthermore, the Plaintiff's second claim for reimbursement of actual rental costs for the equipment used on the force account work is hereby DENIED. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praeipice that the case be marked '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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**October 19, 1994**

Acceptance of Service of Opinion and Order dated October 4, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 7, 1994.

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**October 19, 1994**

Acceptance of Service of Opinion and Order dated October 4, 1994 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 5, 1994.

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**November 1, 1994**

The Board rendered an Amended Opinion and made the following Order:

**CLOSED**

"**AND NOW**, this 1st day of November, 1994, the Board of Claims awards the Plaintiff, Brodhead Construction Company, to the use of Interstate Contractors Supply Company, the amount of Sixty-Eight Thousand Five Hundred Forty-Nine Dollars and Fifty-Six Cents (\$68,549.59) for unpaid travel expenses of the force account provisions of the contract, with interest at the legal rate of six percent (6%) per annum from August 7, 1994, the date the Claim was filed. Furthermore, the Plaintiff's second claim for reimbursement of actual rental costs for the equipment used on the force account work is hereby **DENIED**. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe that the case be marked '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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**November 8, 1994**

Acceptance of Service of Amended Opinion and Order dated November 1, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 3, 1994.

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**November 10, 1994**

Acceptance of Service of Amended Opinion and Order dated November 1, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 4, 1994.

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**March 8, 1995**

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

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**April 3, 1995**

The Board made the following Order: "**AND NOW**, this 3rd day of April, 1995, upon receipt of a Praecipe to Mark Matters Satisfied, requesting that 'this Board mark the instant matter as satisfied by the payment

by defendant of the full amount of the Order', executed by Stuart J. Moskovitz, Esquire, on behalf of Plaintiff, Brodhead Construction Company, to the use of Interstate Contractor Supply Co., same of which is docketed with this Board under date of March 8, 1995, 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.

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**April 13, 1995**

Acceptance of Service of Order dated April 3, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 5, 1995.

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