

Docket Number: 1565  
\*Consolidated with Docket No. 1642

THE LANE CONSTRUCTION CORPORATION, GENERAL CONTRACTOR  
TO THE BENEFIT OF HENKELS & MCCOY, INC., SUBCONTRACTOR

~~Patricia Carey Zucker, Esquire~~  
~~\*Christopher E. Dougherty, Esquire~~

# CLOSED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Chief Claims Attorney~~  
~~Gerald R. Schultz, Assistant Counsel~~

**September 4, 1991**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$289,251.05.

---

**September 10, 1991**

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

---

**September 12, 1991**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 11, 1991.

---

**CLOSED**

---

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

---

**December 4, 1991**

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

---

**December 12, 1991**

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

---

**January 13, 1992**

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

---

**January 29, 1992**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 29th day of January 29, 1992, the Board directs the Plaintiff to Answer the Request for Production of Documents and to substitute Henkels and McCoy's name in each request wherein the name Lane appears. Further, the Plaintiff is to limit its answers to Henkels and McCoy's particular segment of this project and further, that segment of the project which is the subject matter of this litigation.

The Plaintiff is to file its answers in accordance with this Opinion within thirty (30) days of the date of this Opinion unless an extension of time is mutually agreed upon between counsel for Plaintiff and Defendant." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

**CLOSED**

**January 31, 1992**

Acceptance of Service Opinion and Order dated January 29, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 30, 1992.

**February 6, 1992**

Acceptance of Service of Opinion and Order dated January 29, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 30, 1992.

**October 29, 1992**

Letter Response to Defendant's Request for Production of Documents and Attachments (which were served upon Defendant on March 6, 1992) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**December 23, 1992**

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

**January 25, 1993**

Commonwealth'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.

**June 15, 1993**

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

---

**June 21, 1993**

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

---

**\*December 17, 1993**

Entry of Appearance of Christopher E. Dougherty, Esquire, attorney for Plaintiff (Henkels and McCoy, Inc.) and Withdrawal of Appearance of Patricia Zucker, Esquire, as attorney for Plaintiff (Henkels and McCoy, Inc.) filed by attorney for Plaintiff (Henkels and McCoy, Inc.)

---

**January 4, 1994**

Entry of Appearance of Christopher E. Dougherty, Esquire, attorney for Plaintiff (Henkels and McCoy, Inc.) and Withdrawal of Appearance of Patricia Zucker, Esquire, as attorney for Plaintiff (Henkels and McCoy, Inc.) filed by attorney for Plaintiff (Henkels and McCoy, Inc.)

---

**October 26, 1994**

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

---

**April 20, 1995**

Defendant's Continuing Interrogatories Directed to Plaintiff by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**June 5, 1995**

Answers to Defendant's Interrogatories Dated April 19, 1995 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**July 5, 1995**

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

---

**August 1, 1995**

Answer of Henkels & McCoy to the Motion to Compel of the Pennsylvania Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**August 7, 1995**

Brief in Support of Motion to Compel Answers to Interrogatories Pursuant to Pa. R.C.P. 4019(g) (I) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**September 1, 1995**

Memorandum of Law in Support of Plaintiff's Answer to Defendant's Motion to Compel Answers to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**October 27, 1995**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 27th day of October, 1995 the Motion of Defendant, Commonwealth of Pennsylvania, Department of Transportation, for an order compelling Plaintiff, The Lane Construction Corporation, General Contractor to the benefit of Henkels & McCoy, Inc., Subcontractor, to further answer six (6) interrogatories is hereby **DENIED** as to Interrogatory Nos. 1 through 5 and **GRANTED** as to Interrogatory No. 6." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

---

**November 3, 1995**

Acceptance of Service of Opinion and Order dated October 27, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 31, 1995.

---

**December 7, 1995**

Acceptance of Service of Opinion and Order dated October 27, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 8, 1995.

---

**January 30, 1996**

Certificate of Service of Plaintiff's Supplemental Response to Defendant's Interrogatories, forwarded to attorney for Defendant, filed by attorney for Plaintiff.

---

**February 14, 1996**

Supplemental Response of Plaintiff, Lane Construction Company, to the Use of Henkels & McCoy, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**May 10, 1996**

Panel Hearing scheduled for July 8, 9, 10 and 11, 1996, in Board's Courtroom No. 2, 6th Floor, 200 North Third Street, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

---

**June 7, 1996**

Motion to Compel Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**June 8, 1996**

The Board made the following Order: "AND NOW, this 18th day of June, 1996, the Motion to Compel Production of Bid Documents filed by Defendant, Commonwealth of Pennsylvania, Department of Transportation, is hereby **GRANTED**. The hearing on this matter is scheduled for July 8 through 11, 1996, therefore the Plaintiff, The Lane Construction Corporation, General Contractor to the benefit of Henkels & McCoy, Inc., Subcontractor, is ordered to produce the bid documents within five (5) days of this Order." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

---

**June 20, 1996**

Response of Plaintiff to PennDOT's Motion to Compel filed by attorney for Plaintiff.

---

**June 21, 1996**

Acceptance of Service of Order dated June 18, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 19, 1996.

---

**June 26, 1996**

Respondent's Statement of Issues Involved in the Case filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**June 26, 1996**

Respondent's Identification of Witnesses filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**June 27, 1996**

Acceptance of Service of Order dated June 18, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 20, 1996.

---

**June 27, 1996**

Hearing originally scheduled to begin July 8, 1996, rescheduled to begin July 9, 1996 at 9:30 a.m.

---

**July 2, 1996**

The Board rendered an Opinion and made the following Order: "AND NOW, this 2nd day of July, 1996, it is **ORDERED** and **DECREED** that the Defendant's Motion to Compel is hereby **DENIED**. It is further **ORDERED** and **DECREED** that Plaintiff may use its bid documents and the testimony of Mr. Hilliard as to how his bid was made." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

---

**July 2, 1996**

Plaintiff's Statement of Issues, Identification of Exhibits, and Identification of Witnesses filed by attorney for Plaintiff - via fax. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**July 8, 1996**

Acceptance of Service of Opinion and Order dated July 2, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 3, 1996.

---

**July 9, 1996**

Hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

---

**July 10, 1996**

Hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

---

**July 10, 1996**

Plaintiff's Statement of Issues, Identification of Exhibits, and Identification of Witnesses filed by attorney for Plaintiff - via mail. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**July 11, 1996**

Hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case completed.

---

**CLOSED**

**August 16, 1996**

Testimony of Panel Hearing held July 9, 10 and 11, 1996, filed.

---

**August 29, 1996**

Copy of testimony of Panel Hearing held July 9, 10 and 11, 1996, forwarded to attorney for Defendant. **Plaintiff's Findings of Fact due 9/30/96.**

---

**September 30, 1996**

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

---

**October 31, 1996**

Letter received from attorney for Defendant requesting an 8-day extension of time to file his Brief.

---

**November 7, 1996**

Letter forwarded to attorney for Defendant granting his request for an extension of time. **Defendant's Brief due 11/8/96.**

---



**November 8, 1996**

Proposed Findings of Fact, Conclusions of Law and Brief Submitted on Behalf of Respondent Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**June 13, 1997**

Panel Report filed.

---

**May 19, 1998**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 19th day of May, 1998, it is hereby **ORDERED** and **DECREED** as follows: as to Counts I of Docket No. 1565 an award is made in favor of the Defendant Commonwealth of Pennsylvania, Department of Transportation, and against the Plaintiff, The Lane Construction Corporation, General Contractor to the benefit of Henkel & McCoy, Inc., Subcontractor; as to Counts II and III of Docket No. 1565 an award is made in favor of the Plaintiff and against the Defendant in the amount of \$132,995.86 with interest at 6% per annum from December 4, 1991; as to Counts I and II of Docket No. 1642, an award is made in favor of the Plaintiff and against the Defendant in the amount of \$91,274.86; interest at 6% per annum from June 15, 1993." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

---

**May 22, 1998**

Acceptance of Service of Opinion and Order dated May 19, 1998, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 20, 1998.

---

**September 17, 1998**

Acceptance of Service of Opinion and Order dated May 19, 1998, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 20, 1998.

---