

Docket Number: 1590

New Castle Construction Company

Kenneth W. Lee, Esquire

V.S.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
Department of Transportation

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

November 27, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: 894,220.52+.

December 3, 1991

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT January 3, 1992.

December 6, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 4, 1991.

CLOSED

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

January 30, 1992

Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 10, 1992

Copy of Amended Claim forwarded to Chief Deputy Attorney General.

February 12, 1992

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 11, 1992.

February 19, 1992

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

March 10, 1992

Acceptance of Service of Claim received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff
February 18, 1992.

March 11, 1992

Plaintiff's Preliminary Objections in the Nature of a Motion to Strike Off Defendant's Preliminary Objections in the Nature of a Demurrer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

Brief in Support of Plaintiff's Preliminary Objections in the Nature of a Motion to Strike off Defendant's Preliminary Objections in the Nature of a Demurrer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 13, 1992

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

May 5, 1992

The Board rendered an Opinion and made the following Order: AND NOW, this 5th day of May, 1992, the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, are hereby DENIED. The Preliminary Objections of the Plaintiff, New Castle Construction CO., to the Preliminary Objections of the Defendant, have been accepted by the Board as an Answer to the Preliminary Objections of the Defendant. The Defendant is granted thirty (30) days from the date of this Order to file

responsive pleadings.

May 7, 1992

Acceptance of Service of Opinion and Order dated May 5, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 6, 1992.

June 11, 1992

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

August 17, 1992

Preliminary Objections in the Nature of a Motion to Strike or Alternatively a Motion for More Specific Pleadings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 17, 1992

Brief in Support of Preliminary Objections in the Nature of a Motion to Strike or Alternatively a Motion for More Specific Pleading filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney or Defendant.

August 28, 1992

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

September 16, 1992

Brief in Opposition to Plaintiff's Preliminary Objections to Defendant's Answer and New Matter filed by attorney for Defendant.

September 17, 1992

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

attorney for Defendant by attorney for Plaintiff.

September 29, 1992

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

October 15, 1992

The Board rendered an Opinion and made the following Order: AND NOW, this 15th day of October, 1992, the Preliminary Objections as filed by the Plaintiff to the answer of the Defendant with the exception of paragraphs 20, 21, & 22 are DENIED. The Defendant is DIRECTED to file an Amended Answer and New Matter incorporating therein all previous paragraphs with the exception of 20, 21 & 22, and to file a more specific answer to these numbered paragraphs. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

Acceptance of Service of Opinion and Order dated October 15, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 16, 1992.

October 22, 1992

Acceptance of Service of Opinion and Order dated October 15, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 19, 1992.

November 4, 1992

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

December 3, 1992

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

February 12, 1993

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

June 21, 1993

Answers to Plaintiff's First Set of Continuing Interrogatories to

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

November 2, 1993

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

November 3, 1994

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

CLOSED
September 17, 1995
Request for Admissions from Defendant, Commonwealth of Pennsylvania, Department of Transportation, to Plaintiff filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 25, 1996

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

May 7, 1996

Hearing scheduled for February 3, 4, 5, 6, and 7 as well as February 10, 11, 12, 13, and 14, 1997 in Board's courtroom No. 1, 6th Floor, Harrisburg, PA, commencing at 9:30 a.m.

August 26, 1996

Defendant's Motion to Compel Production of Bid Documents and Answers to Interrogatories Pursuant to PA. R.C.P. 4019, ET SEQ. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 29, 1996

Answers to Request for Admissions from Defendant, Commonwealth of Pennsylvania, Department of Transportation, to Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Defendant.

November 7, 1996

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

November 13, 1996

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 13th day of November, 1996, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation's Motion to Compel is hereby **DISMISSED** as being **MOOT**. If, for any reason, the Defendant is aggrieved by this Order it may refile its Motion to Compel. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 15, 1996

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

November 21, 1996

Acceptance of Service of Opinion and Order received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 18, 1996.

December 13, 1996

Hearing scheduled for February 3, 4, 5, 6, 7, as well as February 10, 11, 12, 13 and 14, 1997, in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

December 26, 1996

Acceptance of Service of Opinion and Order dated November 13, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 20, 1996.

January 30, 1997

Commonwealth of Pennsylvania Department of Transportation WITNESS LIST filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 30, 1997

Commonwealth of Pennsylvania Department of Transportation Identification of Relevant Issues filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 30, 1997

Commonwealth of Pennsylvania Department of Transportation Identification of Exhibits filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 24, 1997

Propose to Settle and Discontinue filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 1997

The Board rendered an Opinion and made the following Order: **AND NOW, this 8th day of May, 1997, it is ORDERED and DECREED** that the case be marked "settled and discontinued with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 15, 1997

Acceptance of Service of Opinion and Order dated May 8, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 13, 1997.

May 20, 1997

Acceptance of Service of Opinion and Order dated May 8, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 15, 1997.

June 13, 1997

Motion for Sanctions, Protective Order or Other Appropriate Relief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 20, 1997

Letter forwarded to Defendant directing them to file a response to the Motion

July 8, 1997

Response to Motion for Sanctions, Protective Order or Other Appropriate Relief filed by attorney for Defendant. Copy forwarded

to attorney for Plaintiff by attorney for Defendant.

October 2, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 2nd day of October, 1997, it is **ORDERED** that Plaintiff's, New Castle Construction Company, Motion for Sanctions, Protective Order or Other Appropriate Relief is hereby **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 10, 1997

Acceptance of Service of Opinion and Order dated October 2, 1997.

Receipt of same acknowledged by attorney for Plaintiff October 6, 1997.

CLOSED
