

Docket Number: 1600

**W.S. CUMBY AND SON, INC.**

Roy S. Cohen, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Michael Dalry, Chief Counsel~~  
~~John J. Buchy, Jr., Chief of Litigation~~  
Jose E. Morales, Assistant Counsel  
Elizabeth A. O'Reilly, Assistant Counsel

VS.

**TERRY JACOBS, JAMES WYPER, III and GEORGE T. CARR, GENERAL PARTNERS  
TRADING AS JACOBS/WYPER ARCHITECTS**

Additional Defendants

Gunther O. Carrle, Esquire

**December 2, 1991**

Claim and filing fee filed by Plaintiff, additional information to be requested. Amount of Claim: \$850,330.33+.

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**December 5, 1991**

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

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**January 3, 1992**

Amended Claim (additional information) filed by attorney for Plaintiff.

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**CLOSED**  
January 8, 1992  
Copies of Claim and Amended Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**January 14, 1992**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 10, 1992.

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**February 7, 1992**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 13, 1992.

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**February 20, 1992**

Praecipe for Entry of Appearance of John J. Buchy, Chief of Litigation, on behalf of Defendant, filed by Mr. Buchy. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 17, 1992**

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

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**April 24, 1992**

Motion for Leave to Join Terry Jacobs, James Wyper, III, and George T. Carr, General Partners, Trading as Jacobs/Wyper Architects, as Additional Defendant's filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 15, 1992**

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

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**May 22, 1992**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of May, 1992, it is **ORDERED** and **DECREED** that the Motion to Join Additional Defendants, as filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, be and is hereby **GRANTED**. It is further **ORDERED** and **DECREED** that the caption of the case shall hereinafter be as follows: W. S. CUMBY AND SON, INC. v. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES VS. TERRY JACOBS, JAMES WYPER, III and GEORGE T. CARR, GENERAL PARTNERS, TRADING AS JACOBS/WYPER ARCHITECTS, Additional Defendants." Copy forwarded to attorney for Plaintiff attorney for Defendant and Additional Defendants.

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Acceptance of Service of Opinion and Order dated May 22, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 26, 1992.

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**June 11, 1992**

Acceptance of Service of Opinion and Order dated May 22, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 9, 1992.

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**July 17, 1992**

Entry of Appearance of Gunther O. Carrle, Esquire, on behalf of Additional Defendants (Terry Jacobs, James Wyper, III and George T. Carr, General Partners, Trading as Jacobs/Wyper Architects) filed by attorney for Additional Defendants. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

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**July 17, 1992**

Acceptance of Service of Opinion and Order dated May 22, 1992 received from attorney for Additional Defendants. Receipt of same acknowledged by attorney for Additional Defendants June 30, 1992.

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**July 20, 1992**

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

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**July 21, 1992**

Complaint Against Additional Defendant filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

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**July 28, 1992**

Certificate of Service for serving upon Gunther O. Carrle Esquire, Additional Defendant, the Department's Response to Plaintiff's First Request for Production of Documents filed by attorney for Defendant.

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**March 17, 1993**

Praecipe to Withdraw Appearance of John J Buchy, Jr., and Entry of Appearance of Jose E. Morales, Chief of Litigation, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

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**March 26, 1993**

Department's Reply to New Matter of Additional Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

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**December 16, 1993**

Entry of Appearance of Elizabeth O'Reilly as co-counsel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and Additional Defendant by co-counsel for Defendant.

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**February 24, 1994**

Petition for Leave to Join Additional Defendant, Pennoni Associates, Inc., and Proposed Order, filed by attorney for Additional Defendant (Gunther O. Carrle, Esquire). Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

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**March 11, 1994**

The Board rendered the following Order: "**AND NOW**, the time within which Additional Defendants, Terry Jacobs, James Wyper III and George T. Carr, t/a Jacobs/Wyper Architects may join Pennoni Associates, Inc., as an additional defendant is extended to the 11th day of April, 1994." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

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**March 15, 1994**

Acceptance of Service of Order dated March 11, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 14, 1994.

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**March 29, 1994**

Acceptance of Service of Order dated March 11, 1994 received from attorney for Additional Defendants. Receipt of same acknowledged by attorney for Additional Defendants March 22, 1994.

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**April 6, 1994**

Acceptance of Service of Order dated March 11, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 14, 1994.

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**April 11, 1994**

Complaint of Additional Defendants, Terry Jacobs, James Wyper, III and George T. Carr t/a Jacobs/Wyper Architects to Join Pennoni Associates, Inc. as an Additional Defendant Pursuant to Pennsylvania Rule of Civil Procedure §2252(b), filed by Additional Defendant.

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**April 14, 1994**

Copies of Complaint to Join Additional Defendant, Pennoni Associates, Inc., forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**April 19, 1994**

Acceptance of Service of Complaint to Join received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 15, 1994.

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**April 26, 1994**

Acceptance of Service of Complaint to Join received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 19, 1994.

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**May 4, 1994**

Acceptance of Service of Complaint received from Additional Defendant (Pennoni Associates). Receipt of same acknowledged by Additional Defendant May 4, 1994.

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**May 24, 1994**

Acceptance of Service of Complaint to Join received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 29, 1994.

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**August 24, 1994**

Acceptance of Service of Order dated March 25, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 25, 1994.

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**February 2, 1996**

Hearing scheduled for June 3, 4, 5, 6 and 7, 1996 to be held in Board's Courtroom No. 1, 6th Floor, Fulton Building, 200 North Third Street, Harrisburg, Pennsylvania to commence at 9:30 a.m.

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**May 29, 1996**

Hearing which was scheduled for June 3, 4, 5, 6 and 7, 1996 **canceled**, per Mr. Morales' telephone call of May 19, 1996 advising that the parties have settled.

**June 4, 1997**

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE JULY 7, 1997.

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**June 20, 1997**

Letter-type Praecipe to Discontinue filed by attorney for Plaintiff.  
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 9, 1997**

The Board rendered an Opinion and made the following Order: "**AND NOW,** this 9th day of July, 1997, it is **ORDERED** and **DECREED** that this case be marked 'discontinued and terminated with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 17, 1997**

Acceptance of Service of Opinion and Order dated July 9, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 12, 1997.

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**July 31, 1997**

Acceptance of Service of Opinion and Order dated July 9, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 30, 1997.