

Docket Number: 1609

LOHRMANN ENGINEERS, INC.

~~John J. B. Jones, Esquire~~  
Manfred Lohrmann, P.E., President

VS.  
**CLOSED**  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

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

**January 29, 1992**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$41,643.12+.

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**February 3, 1992**

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

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**February 5, 1992**

Acceptance of Service of Complaint filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 4, 1992.

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February 18, 1992  
Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 2, 1992.  
March 23, 1992

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Motion for Entry of Default Judgment and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 3, 1992**

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

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**May 4, 1992**

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

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**June 19, 1992**

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

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**August 19, 1992**

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

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**September 1, 1992**

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

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**September 17, 1992**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of September, 1992, it is **ORDERED** and **DECREED** that the Motion for Entry of Default Judgment, filed by the Plaintiff, Lohrmann Engineers, Inc., against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, be, and is hereby, **DISMISSED** and being **MOR.**" Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 18, 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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**October 26, 1992**

Acceptance of Service of Opinion and Order dated September 17, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 16, 1992.

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**October 26, 1992**

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

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**November 19, 1992**

Plaintiff's Motion for Sanctions Against Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 30, 1992**

Brief in Support of Plaintiff's Objections to 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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**December 1, 1992**

Reply to Motion for Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 14, 1992**

Plaintiff's Reply Brief in Response to Defendant's Reply to Plaintiff's Motion for Sanctions filed by attorney for Plaintiff.  
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 6, 1993**

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

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**April 13, 1993**

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of April, 1993, the Plaintiff's Motion for Sanctions is hereby DENIED." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 15, 1993**

Acceptance of Service of Opinion and Order dated April 13, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 14, 1993.

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**May 24, 1993**

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

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**June 15, 1993**

Motion for Protective Order Rule 4012(a) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 21, 1993**

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

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**July 8, 1993**

Brief for Defendant Commonwealth of Pennsylvania, Department of Transportation in Support of Motion for a Protective Order filed attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 23, 1993**

Brief for Commonwealth of Pennsylvania Department of Transportation Defendant Herein in Support of Motion for Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 23, 1993**

Plaintiff's Response to Defendant's Motion for Sanctions and Plaintiff's Brief in Opposition to Defendant's Motion For Sanctions and Supporting Brief filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 7, 1993**

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

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**December 3, 1993**

**CLOSED**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 3rd day of December, 1993, the Board will not rule upon the above two (2) Motions, however, the Board does strongly suggest that counsel for Plaintiff, Lohrmann Engineers, Inc. and Defendant, Commonwealth of Pennsylvania, Department of Transportation, confer and attempt to resolve this discovery issue where each will receive adequate information that will expedite this matter, place this litigation in a position to be tried, and both the named Plaintiff and Defendant will have this issue resolved. If the Board does not hear from counsel for Plaintiff and Defendant within thirty (30) days from the date of this Order that they are taking positive steps to resolve this problem, the Board will then rule upon each request. Sanctions are not ruled out at this junction." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 8, 1993**

Acceptance of Service of Opinion and Order dated December 3, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 6, 1993.

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**January 5, 1994**

Western District panel Hearing scheduled for March 23, 24, and 25, 1994, if necessary, to be held at the Pittsburgh State Office Building, Room 1604, 300 Liberty Avenue, Pittsburgh, Pennsylvania, commencing at 10:00 a.m.

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**March 23, 1994**

Western District Panel Hearing held at the Pittsburgh State Office Building, Room 1604, 300 Liberty Avenue, Pittsburgh, Pennsylvania, commencing at 10:00 a.m.

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**March 24, 1994**

Western District Panel Hearing held at the Pittsburgh State Office Building, Room 1604, 300 Liberty Avenue, Pittsburgh, Pennsylvania, commencing at 10:00 a.m. Case completed.

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**April 27, 1994**

Testimony of Western District Panel Hearing held March 23 and 24, 1994, filed.

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**May 1, 1994**

Copy of testimony of Western District Panel Hearing held March 23 and 24, 1994, forwarded to attorney for Defendant.

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**May 5, 1994**

Acceptance of Service of testimony of Western District Panel Hearing held March 23 and 24, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 4, 1994.

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**January 31, 1995**

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

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**March 2, 1995**

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

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**April 4, 1995**

Letter received from Plaintiff advising that his attorney is no longer able to represent him and requesting all future correspondence to be directed to his address. Copy forwarded to attorney for Defendant by Plaintiff.

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**April 14, 1995**

Western District Panel Report filed.

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**September 18, 1995**

The Board rendered an Opinion and made the following Order: "AND NOW, this 18th day of September, 1995, the Board of Claims awards the Plaintiff, Lohrmann Engineers, Inc., the amount of Seventeen Thousand Eighty-Four Dollars and Thirty-Eight Cents (\$17,084.38) for overhead adjustments, additional man-hours spent, and closing costs, along with interest at the legal rate of six percent (6%) per annum beginning on the date of the filing of the Claim, January 29, 1992. Upon receipt of said award Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that the matter be marked settled, discontinued and ended with prejudice. Each party to bear its own costs and attorneys fees." Copies forwarded to Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

**CLOSED**

**September 21, 1995**

Acceptance of Service of Opinion and Order dated September 18, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 20, 1995.

**September 25, 1995**

Acceptance of Service of Opinion and Order dated September 18, 1995 received from Plaintiff. Receipt of same acknowledged by Plaintiff September 20, 1995.

**October 23, 1995**

Petition for Review filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant. [No. 2661 C.D. 1995]

**November 22, 1995**

Petition for Review received from Commonwealth Court.

**December 4, 1995**

File transmitted to Commonwealth Court.

**June 17, 1996**

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, June 14, 1996, we affirm the Board of Claims' determination that Lohrmann Engineers, Inc. met its burden of proof justifying an increase in the project overhead rate. The Board of Claims' determination is, however, reversed to the extent that it increased Lohrmann Engineers Inc.'s overhead rate to 120%. We remand this matter to the Board with the direction that it receive additional evidence regarding Lohrmann Engineers, Inc.'s overhead rates during the course of the project, specifically for the years 1988, 1989, 1990 and 1991 and any additional evidence which supports the increase in Lohrmann Engineer, Inc.'s overhead rate for the work it completed which went beyond the scope of work encompassed in the contract. Upon receipt of such evidence, the Board of Claims may be asked to calculate the overhead rate that will compensate Lohrmann Engineers, Inc. for the Department of Transportation's breach of the contract not to exceed 120%. Jurisdiction relinquished."

**CLOSED**  
September 26, 1996  
Panel hearing held at St. Joseph's Center, Room 101, 2900 Seminary Drive, Greensburg, Pennsylvania, commencing at 9:30 a.m.

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**October 25, 1996**

Testimony of hearing held September 26, 1996, filed.

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**November 12, 1996**

Copy of testimony of hearing held September 26, 1996 forwarded to attorney for Defendant.

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**November 12, 1996**

Letter forwarded to parties setting briefing schedule. **Plaintiff's Findings due 12/12/96. Defendant's Findings due 1/13/97.**

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**November 18, 1996**

Acceptance of Service of testimony of Panel Hearing held September 26, 1996, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 14, 1996.



**November 25, 1996**

Plaintiff's Findings of Fact, Conclusions of Law, and Brief filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.  
**Defendant's Findings due 12/26/96.**

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**January 2, 1997**

Defendant, Commonwealth of Pennsylvania, Department of Transportation, Proposed Finding of Fact, Conclusions of Law and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 28, 1997**

Motion in Opposition to Plaintiff's Letter Type Motion for Admission of Document filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

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**April 1, 1997**

Response to Respondent's Motion in Opposition to Plaintiff's Letter Type Motion for Admission of Document" filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

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**May 28, 1997**

Brief in Support of Motion in Opposition to Plaintiff's Letter Type Motion for Admission of Document filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

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**June 13, 1997**

Panel Report filed.

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**July 18, 1997**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of July, 1997, it is **ORDERED** that Plaintiff's motion to reopen the record of the rehearing and to admit a document is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 25, 1997**

Acceptance of Service of Opinion and Order dated July 18, 1997 received from Plaintiff. Receipt of same acknowledged by Plaintiff July 23, 1997.

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**July 25, 1997**

Acceptance of Service of Opinion and Order dated July 18, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 21, 1997.

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**February 27, 1998**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of February, 1998, the Board of Claims awards the Plaintiff, Lohrmann Engineers, Inc. the sum of Ten Thousand Four Hundred Forty-Three Dollars and Thirty-Four Cents (\$10,443.34), of which Six Thousand Four Hundred Forty-Four Dollars and Forty-Nine Cents (\$6,444.49) was acknowledged to be due and owing by the Commonwealth for overhead adjustments, additional hours worked beyond Supplement B, overhead adjustment for additional hours worked beyond Supplement B, and contract loss and costs. Of the total award, Three Thousand Nine Hundred Ninety-Eight Dollars and Eighty-Five Cents (\$3,998.85) is awarded as per the original award in this matter entered September 28, 1995. The total award of \$10,443.34 is awarded along with interest at the legal rate of 6% per annum beginning on the date of the filing of the Claim, January 29, 1992. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that the matter be marked settled, discontinued and ended with prejudice. Each party to bear its own costs and attorneys fees." Copies forwarded to Plaintiff and attorney for Defendant.

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**March 5, 1998**

Acceptance of Service of Opinion and Order dated February 27, 1998, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 3, 1998.

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**March 6, 1998**

Acceptance of Service of Opinion and Order dated February 27, 1998, received from Plaintiff. Receipt of same acknowledged by Plaintiff March 4, 1998.

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**June 24, 1998**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 24th day of June, 1998, a Rule to Show Cause is issued upon Plaintiff, Lohrmann Engineers, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received payment or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 1, 1998**

Acceptance of Service of Opinion and Order dated June 24, 1998, received from Plaintiff. Receipt of same acknowledged by Plaintiff June 29, 1998.

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**October 6, 1998**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of October, 1998, this Order is issued as a result of the failure of Plaintiff, Lohrmann Engineers, Inc., to advise the Board of Claims within thirty (30) days of June 24, 1998, why the case should not be dismissed for failure to advise the Board whether or not Plaintiff has received payment or other justifiable response. It is, therefore, **DIRECTED** that the Rule to Show Cause be made **ABSOLUTE** and the record marked 'closed and settled with prejudice.'" Copies forwarded to Plaintiff and attorney for Defendant.

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**October 9, 1998**

Acceptance of Service of Opinion and Order dated October 6, 1998, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 6, 1998.

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**October 13, 1998**

Acceptance of Service of Opinion and Order dated October 6, 1998, received from Plaintiff. Receipt of same acknowledged by Plaintiff October 8, 1998.

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