

Docket Number: 1617

Foster Grading Company

James W. Kutz, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
Department of Transportation

Jeffrey W. Davis, Assistant Counsel

**February 27, 1992**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$57,824.45.

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**March 4, 1992**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT April 4, 1992.

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**March 9, 1992**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 5, 1992.

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**CLOSED**

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

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**March 29, 1993**

Interrogatories of Plaintiff Foster Grading Company Directed to Defendant Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff (Diane M. Tokarsky, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff (Diane M. Tokarsky, Esquire).

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**March 29, 1993**

Request for Production of Documents filed by attorney for Plaintiff (Diane M. Tokarsky, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff (Diane M. Tokarsky, Esquire).

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**June 8, 1993**

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

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**June 29, 1993**

Answers to Interrogatories of Plaintiff Foster Grading Company Directed to Defendant, Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff (Diane M. Tokarsky, Esquire) by attorney for Defendant.

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**April 1, 1994**

Defendant's Interrogatories to Plaintiff, Defendant's Request for Production of Documents and Notice of Deposition filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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December 19, 1995

**CLOSED**

Central District Panel Hearing scheduled for January 24, 25, and 26, 1996 in the Board of Claims' Court Room No. 2, Fulton Building, Suite 600, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**January 19, 1996**

Defendant's Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 23, 1996**

Plaintiff's Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 24, 1996**

Stipulations filed by attorney for Plaintiff and attorney for Defendant.

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**March 11, 1996**

Acceptance of Service of Testimony filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 8, 1996.

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**February 23, 1996**

Testimony filed for Eastern Panel Hearing held January 24, 1996. Findings of Fact, Conclusions of Law and Brief by Plaintiff due April 15, 1996.

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**April 12, 1996**

Proposed Findings of Fact and Conclusions of Law and Brief in Support of Plaintiff's Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant.

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**June 6, 1996**

Defendant's Requested Findings of Fact and Conclusions of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 6, 1996**

Post-Hearing Brief submitted on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 17, 1997**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 17th day of July, 1997, the Board finds in favor of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, and against the Plaintiff, Foster Grading Company.

It is hereby **ORDERED** that the costs and attorney's fees incurred by the respective parties will be paid by the respective parties."

Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**July 23, 1997**

Acceptance of Service of Opinion and Order dated July 17, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 21, 1997.

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**August 5, 1997**

Acceptance of Service of Opinion and Order dated July 17, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 29, 1997.

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# CLOSED