

Docket Number: 1634

ALLAN A. MYERS, INC.

Paul A. Logan, Esquire
*David W. Francis, Esquire

VS.
CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Chief Claims Attorney~~
~~Jeffrey W. Davis, Assistant Counsel~~

April 16, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$76,121.95+.

April 27, 1992

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

April 29, 1992

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 28, 1992.

CLOSED

June 1, 1992

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 1, 1992.

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

August 24, 1992

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

***November 23, 1993**

Praecipe for Entry of Appearance filed by David W. Francis, Esquire, attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 14, 1993

Plaintiff's Requests for Admissions - First Set, Plaintiff Allen A. Myers, Incorporated's Interrogatories Addressed to Defendant Pennsylvania Department of Transportation Relating to Request for Admissions, and Plaintiff Allen A. Myers, Incorporated's Interrogatories Addressed to Defendant Pennsylvania Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 14, 1994

Defendant's Response to Plaintiff's Request for Admissions - First Set filed by attorney for attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 14, 1994

Answers to Plaintiff Allen A. Myers, Incorporated's Interrogatories Addressed to Defendant Pennsylvania Department of Transportation Relating to Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 14, 1994

Answers to Plaintiff Allen A. Myers, Incorporated's Interrogatories Addressed to Defendant Pennsylvania Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 23, 1994

Plaintiff Allen A. Myers, Incorporated's Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 25, 1994

Plaintiff Allen A. Myers, Inc.'s Brief in Support of its Motion for Summary Judgement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 16, 1994

Affidavit of Robert A. Peda, P.E. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 17, 1994

Brief for Defendant in Opposition to Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 24, 1994

Supplemental Answers to Plaintiff Allan A. Myers, Incorporated's Interrogatories Addressed to Defendant Pennsylvania Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 24, 1994

Defendant's Supplemental Response to Plaintiff's Requests for Admissions - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 24, 1994

Supplemental Answers to Plaintiff Allan A. Myers, Incorporated's Interrogatories Addressed to Defendant Pennsylvania Department of Transportation Relating to Requests for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 7, 1994

Plaintiff Allan A. Myers' Reply Brief in Support of Summary Judgment filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorneys for Plaintiff.

June 7, 1994

Practicing for Trial Argument filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 5, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 5th day of August, 1994, the Plaintiff's, Allan A. Myers, Inc., Motion for Summary Judgment is hereby **DENIED**. In accordance with the Pennsylvania Rules of Civil Procedure, a Motion for Summary Judgment may not be filed unless all activity prior to trial has been concluded and the motion itself will not delay trial. Accordingly, the Board must interpret this Motion as a statement, by all parties, that the case is ready to proceed to trial. The Board will set forth hearing dates in the immediate future." Copies forwarded to attorneys for Plaintiff and attorney for Defendant.

August 10, 1994

Acceptance of Service of Opinion and Order dated August 5, 1994, received from attorneys for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 8, 1994.

August 11, 1994

Acceptance of Service of Opinion and Order dated August 5, 1994, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 9, 1994.

May 31, 1995

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

May 31, 1995

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

July 6, 1995

Defendant's Request for Admissions filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

March 5, 1997

Defendant's Motion for Summary Judgment and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

Response and Brief due from Plaintiff 4/21/97.

April 21, 1997

Answer of Allan A. Myers, Inc. to Defendant, Commonwealth of Pennsylvania, Department of Transportation's Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

Brief due from Plaintiff 5/12/97.

June 2, 1997

Letter forwarded to attorney for Plaintiff requesting a status report.

Response due from Plaintiff 7/2/97.

July 15, 1997

Letter forwarded to attorney for Plaintiff requesting a status report.

Response due from Plaintiff 8/14/97.

August 13, 1997

Letter received from attorney for Plaintiff requesting an extension of time until 9/24/97 to respond to Defendant's Motion for Summary Judgment.

August 26, 1997

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 26th day of August, 1997, it is **ORDERED** and **DECREED** that counsel for Plaintiff, Allan A. Myers, Inc., shall have until September 24, 1997 to file its Brief in Response to the Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Motion for Summary Judgment or, in the alternative, a Cross-Motion for Summary Judgment." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 24, 1997

Proposed Order as well as Praecipe to Dismiss filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 15, 1997

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 15th day of October, 1997, it is **ORDERED** and **DECREED** that this case be marked 'dismissed, discontinued and ended with prejudice.' Each party to bear its own costs and attorneys fees." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 24, 1997

Acceptance of Service of Opinion and Order dated October 15, 1997, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 23, 1997.
