

Docket Number: 1642

LANE CONSTRUCTION CORPORATION, General Contractor
to the Benefit of HENKELS & MCCOY, INC., Subcontractor

~~Patricia Carey Zucker, Esquire~~
Christopher E. Dougherty, Esquire

CLOSED
U.S.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

June 16, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$107,794.86+.

June 19, 1992

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

June 23, 1992

Acceptance of Service of Statement of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 22, 1992.

CLOSED

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

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.

September 28, 1992

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

September 29, 1992

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

December 23, 1992

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

June 22, 1993

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

August 9, 1993

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

January 4, 1994

Entry of Appearance of Christopher E. Dougherty, attorney for Plaintiff (Henkels and McCoy, Inc.) and Withdrawal of Appearance of Patricia Zucker, Esquire as attorney for Plaintiff (Henkels and McCoy, Inc.) filed by attorney for Plaintiff (Henkels and McCoy, Inc.)

September 6, 1994

Stipulation and Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 21, 1994

Supplemental Request for Production of Documents Directed to Pennsylvania Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 26, 1994

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

April 20, 1995

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

June 5, 1995

Certificate of Service of Plaintiff's Answers to Defendant's Interrogatories dated April 19, 1995. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 5, 1995

Answers to Defendant's Interrogatories Dated April 19, 1995 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 5, 1995

Motion to Compel Answers to Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 7, 1995

Brief in Support of Motion to Compel Answers to Interrogatories Pursuant to P.R.C.P. 4029(g)(i) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 1, 1995

Memorandum of Law in Support of Plaintiff's Answer to Defendant's Motion to Compel Answers to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 27, 1995

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 27th day of October, 1995 the Motion of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, for an order compelling Plaintiff, The Lane Construction Corporation, General Contractor to the benefit of Henkels & McCoy, Inc., Subcontractor, to further answer six (6) interrogatories is hereby **DENIED** as to Interrogatory Nos. 1 through 5 and **GRANTED** as to Interrogatory No. 6." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 3, 1995

Acceptance of Service of Opinion and Order dated October 27, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 31, 1995.

December 7, 1995

Acceptance of Service of Opinion and Order dated October 27, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 8, 1995.

January 30, 1996

Certificate of Service of Plaintiff's Supplemental Response to Defendant's Interrogatories, forwarded to attorney for Defendant, filed by attorney for Plaintiff.

March 13, 1996

Supplemental Response of Plaintiff, Lane Construction Company, to the Use of Henkels & McCoy filed by attorney for Plaintiff.

May 10, 1996

Panel Hearing scheduled for July 8, 9, 10 and 11, 1996, in Board's Courtroom No. 2, 6th Floor, 200 North Third Street, Fulton Building, Harrisburg, Pennsylvania commencing at 10:30 a.m.

June 7, 1996

Motion to Compel Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 18, 1996

The Board made the following Order: "AND NOW, this 18th day of June, 1996, the Motion to Compel Production of Bid Documents filed by Defendant, Commonwealth of Pennsylvania, Department of Transportation, is hereby **GRANTED**. The hearing on this matter is scheduled for July 8 through 11, 1996, therefore the Plaintiff, The Lane Construction Corporation, General Contractor to the benefit of Henkels & McCoy, Inc., Subcontractor, is ordered to produce the bid documents within five (5) days of this Order." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

June 20, 1996

Response of Plaintiff to PennDOT's Motion to Compel filed by attorney for Plaintiff.

June 21, 1996

Acceptance of Service of Order dated June 18, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 19, 1996.

June 26, 1996

Respondent's Statement of Issues Involved in the Case filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 26, 1996

Respondent's Identification of Witnesses filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 27, 1996

Acceptance of Service of Order dated June 18, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 20, 1996.

June 27, 1996

Hearing originally scheduled to begin July 8, 1996, rescheduled to begin July 9, 1996, at 9:30 a.m.

July 8, 1996

The Board rendered an opinion and made the following Order: "On this 2nd day of July, 1996, it is **ORDERED** and **DECREED** that the Defendant's Motion to Compel is hereby **DENIED**. It is further **ORDERED** and **DECREED** that Plaintiff may use its bid documents and the testimony of Mr. Hilliard as to how his bid was made." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 2, 1996

Plaintiff's Statement of Issues, Identification of Exhibits, and Identification of Witnesses filed by attorney for Plaintiff - via fax. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 8, 1996

Acceptance of Service of Opinion and Order dated July 2, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 3, 1996.

July 9, 1996

Hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

July 10, 1996

Hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

July 10, 1996

Plaintiff's Statement of Issues, Identification of Exhibits, and Identification of Witnesses filed by attorney for Plaintiff - via mail. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 11, 1996

Hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, 200 North Third Street, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case completed.

August 16, 1996

Testimony of Panel Hearing held July 9, 10 and 11, 1996 filed.

August 29, 1996

Copy of testimony of Panel Hearing held July 9, 10 and 11, 1996, forwarded to attorney for Defendant. **Plaintiff's Findings of Fact due 8/30/96**

September 30, 1996

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

October 31, 1996

Letter received from attorney for Defendant requesting an 8-day extension of time to file his Brief.

November 7, 1996

Letter forwarded to attorney for Defendant granting his request for an extension of time. **Defendant's Brief due 11/8/96.**

November 8, 1996

Proposed Findings of Fact, Conclusions of Law and Brief Submitted on Behalf of Respondent Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 13, 1997

Panel Report filed.

May 19, 1998

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 19th day of May, 1998, it is hereby **ORDERED** and **DECREED** as follows: as to Count I of Docket No. 1565 an award is made in favor of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, and against the Plaintiff, The Lane Construction Corporation, General Contractor, to the benefit of Henkels & McCoy, Inc., Subcontractor; as to Counts II and III of Docket No. 1565 an award is made in favor of the Plaintiff and against the Defendant in the amount of \$132,995.86 with interest at 6% per annum from December 4, 1991; as to Counts I and II of Docket No. 1642, an award is made in favor of the Plaintiff and against the Defendant in the amount of \$91,74.86; interest at 6% per annum from June 15, 1993." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 20, 1998

Acceptance of Service of Opinion and Order dated May 19, 1998, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 20, 1998.

September 17, 1998

Acceptance of Service of Opinion and Order dated May 19, 1998, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 20, 1998.