

Docket Number: 1646

STABLER CONSTRUCTION, INC.
on its own behalf and on behalf of
BEAR CREEK CONSTRUCTION, INC. and
BEAR CREEK CONSTRUCTION, INC. on its own behalf

Paul A. Logan, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Chief Claims Attorney~~
~~Stephen J. Busterna, Assistant Counsel~~
Jeffrey W. Davis, Assistant Counsel
Stephen S. Stokwitz, Assistant Counsel
Cheryl Kovaly, Assistant Counsel

July 6, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$350,000.00+.

July 10, 1992

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 8/10/92.

July 15, 1992

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 14, 1992.

CLOSED

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

September 11, 1992

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

October 26, 1992

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

September 10, 1993

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

September 10, 1993

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

October 15, 1993

Plaintiffs' Response to Defendant's Request for Production of Documents Directed to Plaintiff - First Set filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney

for Plaintiffs.

October 15, 1993

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

December 8, 1993

Response to Defendant's Interrogatories Addressed to Plaintiffs - First Set filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

April 1, 1994

Plaintiffs' First Request for Production of Documents Directed to Defendant filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

April 8, 1994

Plaintiffs' Request for Admissions - First Set filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

April 18, 1994

Plaintiffs' Interrogatories Directed to Defendant - First Set filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

April 18, 1994

Plaintiffs' Second Request for Production of Documents Directed to Defendant filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

May 12, 1994

Entry of Appearance of Jeffrey W. Davis, Assistant Counsel, attorney for Defendant, as well as withdraw of appearance of Stephen J. Busterna, Assistant Counsel, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiffs by attorney for Defendant.

June 3, 1994

Defendant's Response to Plaintiffs' Requests for Admission filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 6, 1994

Motion to Compel Production of Documents, Answers to Interrogatories and Deposition Testimony filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 19, 1994

Answer to Plaintiffs' Interrogatories Directed to Defendant - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiffs by attorney for Defendant.

August 22, 1994

Notice of Deposition of Drew Bittner filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 29, 1994

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

June 8, 1995

Notice of Deposition of Warren Andrew Bittner filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 13, 1995

Hearing scheduled for September 25, 26, 27, 28, and 29, 1995, in Board's Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

August 2, 1995

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

August 8, 1995

Entry of Appearance filed by Jeffrey W. Davis, Assistant Counsel, Stephen S. Stokwitz, Assistant Counsel, and Cheryl Kovaly, Assistant Counsel. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

August 8, 1995

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

September 1, 1995

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

September 19, 1995

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

September 19, 1995

Deposition of W. Andrew Bittner filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

Answers and Objections to Defendant's Interrogatories Directed to Plaintiffs - Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 22, 1995

Answers and Objections to Defendant's Interrogatories Directed to Plaintiffs - Third Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 22, 1995

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

September 22, 1995

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

September 25, 1995

Hearing held this date in Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

September 26, 1995

Hearing held this date in Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

September 27, 1995

Hearing held this date in Court Room No. 1, Fulton Building, 200

North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

September 28, 1995

Hearing held this date in Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

September 28, 1995

Stipulated Facts/Pre-Trial Admissions and Memorandum of Law filed by attorney for Plaintiff.

October 23, 1995

Testimony of hearing held September 25, 1995 filed.

October 24, 1995

Testimony of hearing held September 26, 1995 filed.

October 26, 1995

Testimony of hearing held September 27, 1995 filed.

October 30, 1995

Testimony of hearing held September 28, 1995 filed.

November 1, 1995

Copy of testimony of hearing held September 25, 26, 27, and 28, 1995 forwarded to attorneys for Defendant.

December 20, 1995

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

February 2, 1996

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

June 7, 1996

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 7th day of June, 1996, upon due consideration of the pleadings, testimony, evidence, and other submissions of the parties in this matter, it is hereby ORDERED and DECREED that the Claim filed by the Plaintiff, Stabler Construction, Inc. and Bear Creek Construction, Inc., against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is DENIED in its entirety. Each party to bear its own costs and attorney fees." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

June 14, 1996

Acceptance of service of opinion and order dated June 7, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 12, 1996.

July 10, 1996

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff.

July 15, 1996

Petition for Review received from Commonwealth Court. [No. 1832 C.D. 1996]

August 15, 1996

Filed transmitted to Commonwealth Court.

September 25, 1996

Designation of Contents of Reproduced Record by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 22, 1997

Copy of Opinion and Order received from Commonwealth Court. Order as follows: **"AND NOW**, this 21st day of April, 1997, the order of the Board of Claims, dated June 7, 1996, at No. 1646, denying the claim of Stabler Construction, Inc. and Bear Creek Construction, Inc. against the Department of Transportation, is hereby affirmed."
