

Docket Number: 1648

KIBBE'S BOILER SERVICE

Merrill L. Forney, Co-Owner
*Brad K. Forney, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

John J. Robinson, Jr., Chief Claims Attorney

July 14, 1992

Claim and filing fee filed by Plaintiff. Amount of Claim: \$1,968.00+.

July 16, 1992

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

July 20, 1992

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 17, 1992.

July 23, 1992

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 23, 1992.

CLOSED

August 13, 1992

Letter/Answer recommending payment of the Claim in the amount of \$2,018.00 filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

September 9, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of September, 1992, after due consideration of the Claim and demand of Kibbe's Boiler Service, and the Answer of the Commonwealth of Pennsylvania, Department of Transportation, it is hereby **ORDERED** and **DECREED** that an award be made in favor of the Plaintiff, Kibbe's Boiler Service, and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation, in the amount of One Thousand Nine Hundred Sixty-Eight Dollars (\$1,968.00) plus the cost of the filing fee in the sum of Fifty Dollars (\$50.00) for a total sum of Two Thousand Eighteen Dollars (\$2,018.00). Upon receipt of said award, Plaintiff shall forthwith filed with the Board a Praecipe that the case be marked closed and ended with prejudice.

Each party to bear its own costs and attorneys fees, other than the filing fee included in the award." Copies forwarded to Plaintiff and attorney for Defendant.

September 11, 1992

Acceptance of Service of Opinion and Order dated September 9, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 10, 1992.

September 17, 1992

Acceptance of Service of Opinion and Order dated September 9, 1992 received from Plaintiff. Receipt of same acknowledged by Plaintiff September 11, 1992.

February 4, 1993

The Board rendered an Opinion and made the following Order: "AND NOW this 4th day of February, 1993, a Rule to Show Cause is issued upon Plaintiff Kibbe's Boiler Service, wherein it is directed that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money directed by the Board of Claims." Copy forwarded to Plaintiff and attorney for Defendant.

February 9, 1992

Acceptance of Service of Opinion and Order dated February 4, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 8, 1993.

***February 12, 1993**

Special Power of attorney of Brad K. Forney, Esquire on behalf of Kibbe's Boiler Service filed by Plaintiff.

February 12, 1993

Acceptance of Service of Opinion and Order dated February 4, 1993 received from Plaintiff. Receipt of same acknowledged by Plaintiff February 8, 1993.

September 14, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of September, 1993, this Order is issued as a result of the failure of Plaintiff, Kibbe's Boiler Service, to advise the Board of Claims within thirty (30) days of February 4, 1993, whether or not Plaintiff received the monies directed be paid to said Plaintiff. It is, therefore, **DIRECTED** that the Rule of February 4, 1993, be made **ABSOLUTE** and the record marked 'closed and settled with prejudice'." Copies forwarded to Plaintiff and attorney for Defendant.

September 17, 1993

Acceptance of Service of Opinion and Order dated September 14, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant at September 15, 1993.

September 20, 1993

Acceptance of Service of Opinion and Order dated September 14, 1993, received from Plaintiff. Receipt of same acknowledged by Plaintiff September 15, 1993.