

Docket Number: 1650
CONSOLIDATED WITH DOCKET NUMBERS 1699 & 1743

TOWER ASSOCIATES

John F. King, Esquire

VS.
CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

John J. Buchy, Chief Counsel

July 17, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$110,200.72.

July 21, 1992

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

July 28, 1992

Acceptance of service of Claim filed by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 23, 1992.

CLOSED

August 12, 1992
Acceptance of service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 1, 1992.

September 27, 1992
Answer to Claim with New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 22, 1992

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

November 24, 1992

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

January 21, 1993

Amended Claim (Caption) filed by attorney for Plaintiff.

January 27, 1993

Amended Claim (Caption) forwarded to attorney for Defendant and Chief Deputy Attorney General.

February 4, 1993

Acceptance of Service of Amended Claim dated January 27, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 4, 1993.

February 11, 1993

Acceptance of Service of Amended Claim dated January 27, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 5, 1993.

March 10, 1993

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

January 18, 1994

Hearing scheduled for April 20, 21, and 22, 1994 before Eastern District to be held in 707 Transportation and Safety Building, Harrisburg, Pennsylvania, Courtroom No. 2 commencing at 10 a.m.

January 26, 1994

Proposed Order of Actions and Stipulation For Consolidation of Actions executed by attorney for Plaintiff and attorney for Defendant, but filed by attorney for Plaintiff.

***March 11, 1994**

The Board made the following Order: "AND NOW, this 11th day of March 1994, upon due consideration of the request and the filing of the Stipulation For Consolidation of Actions, the Board ORDERS said consolidation. The Board can see no reason to deny this request and believed that all parties will be given their day in court and no party will be prejudiced by this Order. all pleadings, hereinafter, shall include all three docket numbers: Docket No. 1650, Docket No. 1699 and Docket No. 1743. Said cases are scheduled for hearing for April 20, 21 and 22, 1994 before the Board of claims Eastern Hearing Panel in Board's Courtroom No. 2, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10 a.m." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 24, 1994

Acceptance of Service of Order dated March 11, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 21, 1994.

March 25, 1994

Acceptance of Service of Order dated March 11, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 14, 1994.

April 14, 1994

Hearing cancelled for April 21, 1994.

May 10, 1994

Hearing rescheduled for June 22, 23 & 24, 1994 at 707 Transportation and Safety Building, Harrisburg, Pennsylvania 17120 before the Eastern Panel in Court Room No. 1, commencing at 10 a.m.

September 7, 1994

Letter/Motion requesting a continuation of Docket Nos. 1649 and 1643 for trial purposes filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 9, 1994

The Board rendered an Opinion and made the following Order: "AND NOW, this 9th day of September, 1994, it is ORDERED and DECREED that the Plaintiff's Letter/Motion for a Partial Continuation be, and is hereby, DENIED. It is further ORDERED and DECREED that these consolidated cases shall proceed to hearing as ordered on September 22, 23 & 26, 1994." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 31, 1994

Acceptance of Service of Opinion and Order dated September 9, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 13, 1994.

September 22, 1994

Hearing held in Labor & Industry's Court Room No. 154, Labor & Industry Building, Harrisburg, PA commencing at 10:00 a.m.

September 23, 1994

Hearing held in Labor & Industry's Court Room No. 154, Labor & Industry Building, Harrisburg, PA commencing at 10:00 a.m.

September 26, 1994

Hearing held in Labor & Industry's Court Room No. 154, Labor & Industry Building, Harrisburg, PA commencing at 10:00 a.m. CASE CONTINUED.

October 26, 1994

Hearing scheduled for December 14, 1994 at the Civil Service Bldg., 3rd Street, Harrisburg, PA commencing at 10:00 a.m.

December 14, 1994

Hearing held in the Civil Service Bldg., 3rd Street, Harrisburg, PA commencing at 10:00 a.m. CASE COMPLETED.

January 3, 1995

Testimony for hearing held December 14, 1994 filed.

January 12, 1995

Copy of testimony forwarded to attorney for Defendant.

March 21, 1995

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

August 10, 1995

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.

December 5, 1995

Eastern District Panel Report filed.

February 27, 1996

The Board rendered an Opinion and the following Order: "AND NOW, this 27th day of February, 1996, we find on the Claim for Docket No. 1650 in favor of the Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, Towers Associates' in zero amount; on the Claim for Docket No. 1699 in favor of the Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, Tower Associates, in zero amount; and on the Claim for Docket No. 1743 in favor of the Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, Tower Associates, in zero amount. We find on the Counterclaim for Docket No. 1650 in favor of the Counterclaim/Plaintiff, Commonwealth of Pennsylvania, Department of General Services, and against the Counterclaim Defendant, Tower Associates, in the amount of Sixteen Thousand Five Hundred Seventy-One Dollars and Twenty-Three Cents (\$16,571.23) with interest from the date of judgment; on the Counterclaim for Docket No. 1699 in favor of the Counterclaim/Plaintiff, Commonwealth of Pennsylvania, Department of General Services, and against the

Counterclaim/Defendant, Tower Associates, in the amount of Ten Thousand One Hundred Sixty-Two Dollars and Fourteen Cents (\$10,162.14) with interest at the legal rate of six (6%) percent per annum from the date of judgement. upon receipt of said award, the Counterclaim/Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that the matter be marked settled, discontinued and ended with prejudice. Each party to bear its own costs and attorneys' fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

March 1, 1996

Acceptance of Service of Opinion and Order dated February 27, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 28, 1996.

March 4, 1996

Acceptance of Service of Opinion and Order dated February 27, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 28, 1996.

May 24, 1996

Corrected copy of Petition for Review in the Nature of an Appeal filed by Commonwealth Court. [0749 C.D. 1996]

June 25, 1996

File transferred to Commonwealth Court.

April 3, 1997

Order rendered in Commonwealth Court in re: "AND NOW, this 24th day of January, 1997, the order of the Board of Claims in the above-captioned matter is hereby affirmed."

April 3, 1997

File returned from Commonwealth Court.