

Docket Number: 1661

ALLAN A. MYERS, INC.

Paul A. Logan, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

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

**August 25, 1992**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$454,064.00+.

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**August 27, 1992**

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

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**August 31, 1992**

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

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**CLOSED**

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Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 3, 1992.

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Preliminary Objections of the Commonwealth of Pennsylvania, Department of Transportation to Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 30, 1992**

Letter/Withdrawal of Defendant's Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 23, 1993**

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

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**July 9, 1993**

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

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**July 20, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of July, 1993, it is **ORDERED** and **DECREED** that the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, be **WITHDRAWN** and rendered **MOOT**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 22, 1993**

Acceptance of Service of Opinion and Order dated July 20, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 21, 1993.

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**July 22, 1993**

Petition for Leave to file an Amended Complaint and Proposed Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 30, 1993**

Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 24, 1993**

Answer/New Matter to Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 15, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of October, 1993, Plaintiff's, Allen A. Myers, Inc., Petition for Leave to File and Amended Complaint is hereby **GRANTED**." Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 15, 1993**

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

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**October 18, 1993**

Copy of Amended Complaint forwarded to Chief Deputy Attorney General.

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**October 20, 1993**

Acceptance of Service of Opinion and Order dated October 15, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 18, 1993.

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**October 21, 1993**

Acceptance of Service of Opinion and Order dated October 15, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 18, 1993.

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**October 22, 1993**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 19, 1993.

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**October 26, 1993**

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

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**December 6, 1993**

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

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**April 1, 1994**

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

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**May 2, 1994**

Answer of Allan A. Myers, Inc. to Defendant, Commonwealth of Pennsylvania, Department of Transportation's Request for Admissions (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 13, 1997**

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

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**September 24, 1997**

Letter forwarded to the parties requesting a status report.

**Response due 10/24/97.**

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**November 13, 1997**

Letter received from attorney for Plaintiff advising that the parties are involved in discovery.

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**June 16, 1998**

Letter forwarded to the parties requesting a status report.

**Response due 7/16/98.**

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**July 1, 1998**

Letter received from attorney for Defendant advising that they are still awaiting responses to Defendant's letter of 1/10/97 and document production request.

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**July 27, 1998**

Letter received from attorney for Plaintiff advising that he disagrees with Defendant's letter and that he requests the Board to set a completion date for discovery.

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**August 13, 1998**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of August, 1998, it is **ORDERED** and **DECREED** that both parties to this case complete all discovery no later than December 31, 1998. It is further **ORDERED** and **DECREED** that the trial of this case will begin on March 22, 1999 and continue, if necessary, through March 31, 1999." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 13, 1998**

Hearing scheduled for March 22, 23, 24, 25 and 26, 1999, and March 29, 30 and 31, 1999, if necessary, in Board's Court Room No. 1, Fulton Building, 200 North Third Street, 6th Floor, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**August 24, 1998**

Acceptance of Service of Opinion and Order dated August 13, 1998, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 17, 1998.

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**March 17, 1999**

The Board hearing originally scheduled to begin on March 22, 1999, will commence on Wednesday, March 24, 1999.

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**March 22, 1999**

The Board hearing originally scheduled to begin on March 24, 1999, will commence on Tuesday, March 30, 1999.

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**March 26, 1999**

Letter filed from attorney for Plaintiff advising that the parties have settled and the hearing scheduled to begin on March 30, 1999 should be cancelled.

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**April 23, 1999**

The Board received the following Order: "At NEW, the 22nd day of April, 1999, upon receipt of a letter-type Praecipe, filed on March 26, 1999, by Paul A. Logan, counsel for Plaintiff, Allan A. Myers, Inc., requesting the Board to 'please mark the above-captioned claim settled', it is **ORDERED** and **DIRECTED** that said case be marked 'discontinued, closed and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 29, 1999**

Acceptance of Service of Order dated April 23, 1999 received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 26, 1999.

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**July 19, 1999**

Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant.

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