

Docket Number: 1662

**ANJO CONSTRUCTION COMPANY**

Kenneth R. Bruce, Esquire  
Robert A. King, Esquire  
Jan L. Fox, Esquire

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

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

**August 21, 1992**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$3,736,300.00+.

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**August 31, 1992**

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

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**September 2, 1992**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 1, 1992.

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**CLOSED**

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

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**February 25, 1993**

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

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**March 1, 1993**

Plaintiff, Anjo Construction Company's First Set of Interrogatories Directed to Defendant and Request for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 17, 1993**

Motion to Quash Subpoena filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 18, 1993**

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

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**March 19, 1993**

Hearing scheduled for August 10, 11, 12, 13, 17, 18, 19 & 20, 1992,

if necessary, in Board's Court Room #1, 707 Transportation & Safety Building, Harrisburg, PA at 10:00 a.m.

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**March 24, 1993**

Answers to Request for Admissions filed by attorney for Plaintiff.  
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 29, 1993**

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

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**April 9, 1993**

Brief in opposition to Motion to Quash Subpoena and in support of Subpoena Addressed to Cooper's & Brand filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 19, 1993**

Answers to Plaintiff, Anjo Construction Company's First Set of Interrogatories Directed to Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 29, 1993**

Brief in Support of Motion to Quash Subpoena filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 5, 1993**

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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**May 20, 1993**

Plaintiff Anjo Construction Company's First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 20, 1993**

Plaintiff Anjo Construction Company's Second Set of Interrogatories Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 23, 1993**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 23rd day of June, the request of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, in the nature of a Motion to Quash Subpoena, is hereby **GRANTED"**. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 23, 1993**

Acceptance of Service of Opinion and Order dated June 23, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 24, 1993.

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**July 6, 1993**

Acceptance of Service of Opinion and Order dated July 6, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 25, 1993.

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**July 13, 1993**

Plaintiff Anjo Construction Company's Answers to Defendant's Interrogatories Directed to Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 26, 1993**

Answers to Plaintiff Anjo Construction Company'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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**August 10, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:15 a.m.

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**August 11, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:10 a.m.

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**August 12, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:10 a.m.

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**August 13, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:15 a.m.

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**August 17, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:10 a.m.

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**August 17, 1993**

Brief in Opposition to Defendant's Objection to Plaintiff's Reconstructed Estimate filed by attorney for Plaintiff. Copy given to attorney for Defendant by attorney for Plaintiff at time of trial.

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**August 17, 1993**

Brief in Support of Defendant's Objection to Plaintiff's Reconstructed Estimate filed by attorney for Defendant. Copy given to attorney for Plaintiff by attorney for Defendant at time of trial.

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**August 18, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:10 a.m.

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**August 19, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:10 a.m.

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**August 20, 1993**

Hearing held in Board's Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 10:05 a.m. Case continued.

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**August 26, 1993**

Financial Statement (Defendant's Exhibit 13) filed by attorney for Plaintiff.

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**September 2, 1993**

Testimony of hearing held July 10 & 11, 1993 filed.

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**September 3, 1993**

Copy of testimony of hearing held July 10 & 11, 1993 forwarded to attorney for Defendant.

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**September 8, 1993**

Testimony of hearing held July 12 & 13, 1993 filed.

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**September 9, 1993**

Acceptance of Service of Testimony dated September 7, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 8, 1993.

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**September 13, 1993**

Copy of testimony of hearing held July 12 & 13, 1993 forwarded to attorney for Defendant.

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**October 19, 1993**

Testimony of hearing held August 17, 18, 19 & 20, 1993 filed.

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**October 20, 1993**

Copy of testimony of hearing held August 17, 18, 19 & 20, 1993 forwarded to attorney for Defendant.

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**October 25, 1993**

Acceptance of Service of Testimony for hearing held August 17, 18, 19 & 20, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 22, 1993.

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**November 16, 1993**

Hearing scheduled for February 22, 23, 24 & 25, 1994 to be held in Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania commencing at 9:30 a.m.

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**February 22, 1994**

Hearing held in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania commencing at 9:30 a.m.

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**March 29, 1994**

Testimony for hearing held February 22, 1994 filed.

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**March 29, 1994**

Testimony for hearing held February 22, 1994 forwarded to attorney for Defendant.

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**April 1, 1994**

Acceptance of Service of Testimony for hearing held March 29, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 30, 1994.

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**May 6, 1994**

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

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**June 6, 1994**

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

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**June 27, 1994**

Reply of Anjo Construction Company to the Brief of the Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 7, 1994**

The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of November, 1994, an award is hereby entered in favor of Plaintiff, Anjo Construction Company, against the Commonwealth of Pennsylvania, Department of Transportation, in the amount of Two million One Hundred Sixteen Thousand Three Hundred Sixty-Three Dollars and Fourteen Cents (\$2,161,633.14) with interest at the rate of six percent (6%) per annum, from August 21, 1992, the date the claim was filed. Upon receipt of payment of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked 'settled and ended with prejudice.' Each party to bear its own costs and attorneys' fees." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 15, 1994**

Motion for Reconsideration of Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 17, 1994**

Acceptance of Service of Opinion and Order dated November 7, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 9, 1994.

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**November 22, 1994**

Acceptance of Service of Opinion and Order dated November 7, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 9, 1994.

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**December 8, 1994**

Copy of Petition for Review as filed in Commonwealth Court [No. 3045 C.D. 1994] filed by attorney for Defendant.

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**December 19, 1994**

Motion for Consolidation filed by attorney for Plaintiff.

**December 19, 1994**

Cross-Petition for Review filed by attorney for Plaintiff.

**March 10, 1995**

File transmitted to Commonwealth Court.

**March 21, 1995**

Copy of Anjo Construction Company's Designation of Contents of Reproduced Record and Brief Statement of Issues Presented for Review as filed in Commonwealth Court filed by attorney for Plaintiff.

**April 4, 1995**

Copy of Department of Transportation's Designation of Contents of Reproduced Record as filed in Commonwealth Court filed by attorney for Defendant.

**April 13, 1995**

Copy of Brief of Petitioner Anjo Construction Company in Support of its Petition for Review and copy of Reproduced Record as filed in Commonwealth Court by attorney for Defendant.

**May 25, 1995**

Brief for Respondent, Commonwealth of Pennsylvania, Department of Transportation, in Support of its Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff.

**June 12, 1995**

Brief for Anjo Construction Company in Response to the Defendant's Brief in Support of Its Petition for Review filed in Commonwealth Court.

**October 24, 1995**

Order rendered in Commonwealth Court as follows: "NOW, October 18, 1995, the order of the Board of Claims in the above-captioned matter hereby is modified to grant Anjo Construction Company 6% interest from the date of March 8, 1989. The order is affirmed in all other respects."

**May 30, 1996**

The Board made the following Order: "**AND NOW**, this 30th day of May, 1996, upon receipt of a Praecipe to Settle and Discontinue, filed



on behalf of Plaintiff, Anjo Construction Company, which states:  
"Please kindly settle and discontinue the above captioned case and  
mark the docket to reflect that the verdict, award, or judgment has  
been satisfied" same of which is docketed with this Board under date  
of April 29, 1996, it is **ORDERED** and **DIRECTED** that said case be marked  
'settled, discontinued and ended with prejudice.'" Copies forwarded  
to attorney for Plaintiff and attorney for Defendant.

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**June 5, 1996**

Acceptance of Service of Order dated May 30, 1996 received from  
attorney for Defendant. Receipt of same acknowledged by attorney  
for Defendant June 3, 1996.

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**June 11, 1996**

File returned from Commonwealth Court.

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**June 11, 1996**

Acceptance of Service of Order dated May 30, 1996 received from  
attorney for Plaintiff. Receipt of same acknowledged by attorney  
for Plaintiff June 11, 1996.

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**CLOSED**