

Docket Number: 1678
Consolidated with 1679

STABLER CONSTRUCTION, INC., ON ITS OWN BEHALF AND ON BEHALF OF
BITUMINOUS PAVING SYSTEMS, INC., AND BITUMINOUS PAVING SYSTEMS, INC.,
ON ITS OWN BEHALF

Paul A. Logan, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John J. Robinson, Jr., Chief Claims Attorney~~

November 2, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$306,000.00+.

November 9, 1992

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

November 13, 1992

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 10, 1992.

November 20, 1992

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 18, 1992.

January 14, 1993

Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 21, 1993

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

March 8, 1994

Hearing scheduled for October 11 and 12, 1994 and October 17 through October 21, 1994 as well as, October 24 through October 28, 1994, if necessary in Board's Courtroom No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania commencing at 9:30 a.m.

June 6, 1994

Order of Consolidated of Actions as well as Petition for Consolidation of Actions filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

June 9, 1994

Hearing scheduled for October 17 and 18, 1994, canceled.

July 20, 1994

Pre-trial conference scheduled for August 24, 1994, in Judge

Clipper's chambers, 1201 Labor and Industry Building, Harrisburg, Pennsylvania commencing at 10:00 a.m.

August 23, 1994

The Board made the following Order of Consolidation of Actions: **"AND NOW**, this 23rd day of August, 1994, it is hereby **ORDERED** that the above actions are consolidated into a single action captioned Stabler Construction, Inc., on its own behalf and on behalf of Bituminous Paving Systems, Inc., on its own behalf v. Commonwealth of Pennsylvania, Department of Transportation, Pennsylvania Board of Claims Docket No. 1678; and J.D. Eckman, Inc., on its own behalf and on behalf of Bituminous Paving Systems, Inc., and Bituminous Paving Systems, Inc., on its own behalf v. Commonwealth of Pennsylvania, Department of Transportation; Pennsylvania Board of Claims Docket No. 1679. The respective pleadings in the actions hereby consolidated shall remain as the pleadings in the consolidated action." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 24, 1994

Pre-trial conference held in Judge Clipper's office, 1201 Labor and Industry Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

August 29, 1994

Hearing scheduled for October 19, 1994, canceled. Hearing scheduled for October 11 and 12, 1994, October 20 and 21, 1994, and October 24, 25, 26, 27 and 28, 1994, to be held in Room 132, Finance Building, Harrisburg, Pennsylvania commencing at 9:30 a.m.

August 30, 1994

Acceptance of Service of Order of Consolidation of Actions filed by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 26, 1994.

August 31, 1994

Acceptance of Service of Order of Consolidation of Actions filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 26, 1994.

October 3, 1994

Pretrial Statement filed by attorney for Plaintiffs. Copy forwarded to attorney for Defendant by attorney for Plaintiffs.

October 4, 1994

Hearing rescheduled to begin October 24, 1994, and continue through October 25, 26, 27, and 28, 1994, in Room 132, Finance Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

October 13, 1994

Pre-Trial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiffs by attorney for Defendant.

October 24, 1994

Hearing held in Room 154, Labor & Industry Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

October 25, 1994

Hearing held in Room 154, Labor & Industry Building, Harrisburg, Pennsylvania, commencing at 9:00 a.m.

October 26, 1994

Hearing held in Room 154, Labor & Industry Building, Harrisburg, Pennsylvania, commencing at 9:00 a.m.

October 27, 1994

Hearing held in Room 154, Labor & Industry Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case completed.

December 16, 1994

Testimony of hearing held October 24, 25, 26, and 27, 1994 filed.

December 27, 1994

Copy of testimony of hearing held October 24, 25, 26, and 27, 1994, forwarded to attorney for Defendant.

January 25, 1995

Motion for Extension of Time filed by attorney for Plaintiff, via Fax. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 27, 1995

Motion for Extension of Time filed by attorney for Plaintiff, via Mail. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 21, 1995

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

attorney for Defendant by attorney for Plaintiff.

May 25, 1995

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

June 21, 1995

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

December 11, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of December, 1995, we find on the Claim in favor of the Plaintiffs in the amount of Five Hundred Forty-Six Thousand One Hundred Fifty Dollars and Sixty-Four Cents (\$546,150.64), with interest at the legal rate of six percent (6%) per annum for May 18, 1991, the date all the placement of all Ralumac was completed.

Upon receipt of said award Plaintiffs 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." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

April 12, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of April, 1996, a Rule to Show Cause is issued upon Plaintiffs wherein it is **DIRECTED** that Plaintiffs advise the Board within thirty (30) days of this Order whether or not Plaintiffs have received the sum of money awarded or other justifiable response.

This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 17, 1996

Acceptance of Service of Opinion and Order dated April 12, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 15, 1996.

April 17, 1996

Letter/Praecipe filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 24, 1996

Acceptance of Service of Opinion and Order dated April 12, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 23, 1996.

May 9, 1996

The Board made the following Order: "**AND NOW**, this 9th day of May, 1996, upon receipt of Letter/Praecipe acknowledging receipt of award executed by David T. Bolger, Esquire, on behalf of Plaintiffs, same of which is docketed with this Board under date of April 17, 1996, it is **ORDERED** and **DECREED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 15, 1996

Acceptance of Service of Order dated May 9, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 13, 1996.

May 15, 1996

Acceptance of Service of Order dated May 9, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 13, 1996.
