

Docket Number: 1680

CHARLES W. JOHNSON, INC.

Kenneth W. Lee, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

November 4, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$67,756.59+.

November 13, 1992

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

November 18, 1992

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

CLOSED

Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 11, 1992

Brief in Opposition to Defendant's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 15, 1993

Brief of Defendant Commonwealth of Pennsylvania, Department of Transportation in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 28, 1993

The Board rendered an Opinion and made the following Order: "AND NOW, this 28th day of January, 1993, the Preliminary Objections of the Defendant are DENIED. The Defendant is ORDERED to file responsive pleadings within thirty (30) days from the date of this Order." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 1, 1993

Acceptance of Service of Opinion and Order dated January 28, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 29, 1993.

February 5, 1993

Acceptance of Service of Opinion and Order dated January 28, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 1, 1993.

March 9, 1993

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

April 18, 1993

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

May 26, 1993

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

October 14, 1993

Answers to Plaintiff's First Set of Continuing Interrogatories to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 14, 1994

Defendant's Interrogatories to Plaintiff - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 14, 1994

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

December 22, 1994

Plaintiff's Answers to Defendant's Interrogatories to Plaintiff - First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 22, 1994

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

December 22, 1994

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

December 22, 1994

Plaintiff's Second Set of Continuing Interrogatories to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 22, 1994

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

January 20, 1995

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

June 6, 1995

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

June 14, 1995

Answers to Plaintiff's Second Set of Continuing Interrogatories to Defendant by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 26, 1995

Defendant's Interrogatories Directed to Plaintiff (Second Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 8, 1996

Panel Hearing scheduled for October 28, 29 and 30, 1996 in Board's Courtroom No. 2, 6th Floor, 200 North Third Street, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

June 12, 1996

Proposed Order as well as Defendant's Motion for Summary Judgment Pursuant to Pa. R.C.P. 1035(b) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 9, 1996

Brief in Support of Defendant's Motion for Summary Judgment Pursuant to Pa. R.C.P. 1035(b) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 11, 1996

Plaintiff's Brief in Opposition to Defendant's Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 17, 1996

Plaintiff's Answers to Defendant's Interrogatories Directed to Plaintiff (Second Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 17, 1996

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

July 18, 1996

Motion to Withdraw or Amend Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 18, 1996

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

July 18, 1996

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

August 12, 1996

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

August 19, 1996

Defendant's Response to Plaintiff's Motion to Withdraw or Amend Admissions and Motion to Strike Answer to Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 22, 1996

Panel Hearing scheduled for October 28, 29 and 30, 1996 canceled due to request of Defendant. Hearing to be rescheduled for a later date.

November 4, 1996

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 4th day of November, 1996, it is hereby **ORDERED** that the Plaintiff's Motion to Withdraw or Amend its Admissions is **GRANTED**, Defendant's Motion to Strike Plaintiff's responses to the requests for admission is **DENIED**, and Defendant's Motion for Summary Judgment is **DENIED** without prejudice. An additional period of ninety (90) days will be allowed for discovery. The hearing scheduled for October 28, 29 and 30, 1996 is hereby canceled and will be rescheduled for February 17, 18, 19, 20 and 21, 1997.

November 5, 1996

Hearing scheduled for February 18, 19, 20 and 21, 1997, in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

November 8, 1996

Acceptance of Service of Opinion and Order dated November 4, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 6, 1996.

November 8, 1996

Acceptance of Service of Opinion and Order dated November 4, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 6, 1996.

January 30, 1997

Motion to Withdraw and/or Amend Admissions Pursuant to Pa. R.C.P. 4014 and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 30, 1997

Commonwealth of Pennsylvania, Department of Transportation Witness List filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 30, 1997

Commonwealth of Pennsylvania, Department of Transportation Identification of Relevant Issues filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 30, 1997

Commonwealth of Pennsylvania, Department of Transportation Identification of Exhibits filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 24, 1997

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

May 13, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of May, 1997, it is **ORDERED** and **DECREED** that the Motion to Withdraw and/or Amend Admissions as filed by counsel for the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is hereby **DISMISSED** as being moot. It is further **ORDERED** and **DECREED** that, in view of the Praecipe filed by counsel for the Plaintiff, Charles W. Johnson, Inc., this case shall be marked 'settled and discontinued with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 20, 1997

Acceptance of Service of Opinion and Order dated May 13, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 15, 1997.

May 27, 1997

Acceptance of Service of Opinion and Order dated May 13, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 19, 1997.

CLOSED