

Docket Number: 1692

UPON THIS ROCK CONSTRUCTION

Robert E. Heideck, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

December 28, 1992

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$103,770.00+.

January 6, 1993

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

January 8, 1993

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 6, 1993.

CLOSED

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

March 29, 1993

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

June 2, 1993

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

December 17, 1993

Agreement and Release executed by both parties filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 15, 1994

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 15th day of March, 1994, upon due consideration of the Agreement and Release of the parties and other submissions, it is hereby **ORDERED** that the Respondent, Commonwealth of Pennsylvania, Department of Transportation, shall pay to Claimant, Upon This Rock Construction, the sum of Thirty-Five Thousand Dollars (\$35,000.00),

which amount shall include the Fifty-Dollar (\$50.00) filing fee paid by the Claimant to commence this action, in full satisfaction and settlement of the matter. Claimant, upon payment of the above amount, shall file a Praecipe with the Board of Claims requesting that the matter be marked 'withdrawn and discontinued with prejudice', and it is so **ORDERED**. Each party to bear its own costs and attorneys fees other than the filing fee which is included in the award." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 17, 1994

Acceptance of Service of Opinion and Order dated March 15, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 16, 1994.

March 23, 1994

Acceptance of Service of Opinion and Order dated March 15, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 18, 1994.

May 18, 1994

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

May 20, 1994

The Board made the following Order: **"AND NOW**, this 20th day of May, 1994, upon receipt of Praecipe to Settle, Discontinue and End, executed by Robert E. Heideck, Esquire, on behalf of the Plaintiff, same of which is docketed with this Board under date of May 18, 1994, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 27, 1994

Copy of Order dated May 20, 1994, inadvertently returned from attorney for Defendant.

May 27, 1994

Acceptance of Service of Order dated May 20, 1994 received from attorney for Defendant (unsigned and undated).

May 31, 1994

Copy of Order dated May 20, 1994, returned to attorney for Defendant.

June 1, 1994

Acceptance of Service of Order dated May 20, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 24, 1994.

June 2, 1994

Acceptance of Service of Order dated May 20, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 1, 1994.

CLOSED