

Docket Number: 1699  
Consolidated with 1650 & 1743

TOWER ASSOCIATES

John F. King, Esquire

CLOSED

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Michael J. Daley, Chief Counsel~~  
Jose E. Morales, Assistant Counsel

**January 5, 1993**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$121,531.31.

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**January 21, 1993**

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

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**January 21, 1993**

Amended Claim (caption) filed by attorney for Plaintiff.

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**January 27, 1993**

Amended Claim (caption) forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**January 28, 1993**

Acceptance of service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 4, 1993.

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**February 4, 1993**

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 4, 1993.

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**February 11, 1993**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 5, 1993.

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**February 11, 1993**

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 5, 1993.

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**February 26, 1993**

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

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**April 1, 1993**

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

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**April 2, 1993**

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

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**January 26, 1994**

Proposed Order of Consolidation of Actions and Stipulation For  
Consolidation of Actions executed by attorney for Plaintiff and  
attorney for Defendant, but filed by attorney for Plaintiff.

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**\*March 11, 1994**

The Board made the following Order: "AND NOW, this 11th day of March, 1994, upon due consideration of the request and the filing of the Stipulation for consolidation of actions, the Board ~~ORDERED~~ said consolidation. The Board can see no reason to deny this request and believes that all parties will be given their day in court and no party will be prejudiced by this Order. All pleadings, hereinafter, shall include all three docket numbers: Docket No. 1650, Docket No. 1699 and Docket No. 1743. Said cases are scheduled for hearing for April 20, 21 and 22, 1994 before the Board of Claims Eastern Hearing Panel in Board's Courtroom No. 2, 707 Transportation and Safety Building, Harrisburg, Pennsylvania commencing at 10 a.m."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**March 24, 1994**

Acceptance of Service of Service of Order dated March 11, 1994  
received from attorney for Plaintiff. Receipt of same acknowledged  
by attorney for Plaintiff March 21, 1994.

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**March 25, 1994**

Acceptance of Service of Order dated March 11, 1994 received from  
attorney for Defendant. Receipt of same acknowledged by attorney  
for Defendant March 14, 1994.

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**April 14, 1994**

Hearing scheduled for April 20, 21 & 22, 1994 canceled.

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**May 10, 1994**

Hearing rescheduled for June 22, 23 & 24, 1994 before the Eastern Panel at 707 Transportation and Safety Building, Harrisburg, Pennsylvania 17120 in Court Room No. 1 commencing at 10 a.m.

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**September 7, 1994**

Letter/Motion requesting a continuation of Docket Nos. 1699 and 1743 for trial purposes filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 9, 1994**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of September, 1994, it is **ORDERED** and **DECREED** that the Plaintiff's letter/Motion for a Partial Continuation be, and is hereby, **DELETED**. It is further **ORDERED** and **DECREED** that the consolidated cases shall proceed to hearing as scheduled on September 22, 23 & 26, 1994." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 22, 1994**

Hearing held in Labor & Industry's Court Room No. 154, Labor & Industry Building, Harrisburg, PA commencing at 10:00 a.m.

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**September 23, 1994**

Hearing held in Labor & Industry's Court Room No. 154, Labor & Industry Building, Harrisburg, PA commencing at 10:00 a.m.

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**September 26, 1994**

Hearing held in Labor & Industry's Court Room No. 154, Labor & Industry Building, Harrisburg, PA commencing at 10:00 a.m. **CASE CONTINUED.**

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**October 26, 1994**

Hearing scheduled for December 14, 1994, at the Civil Service Building, 3rd Street, Harrisburg, PA commencing at 10:00 a.m.

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**December 14, 1994**

Hearing held in the Civil Service Building, 3rd Street, Harrisburg, PA commencing at 10:00 a.m. **CASE COMPLETED.**

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**January 3, 1995**

Testimony for hearing held December 14, 1994 filed.

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**January 12, 1995**

Copy of testimony for hearing held December 14, 1994.

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**March 21, 1995**

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

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**August 10, 1995**

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

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**December 5, 1995**

Eastern District Panel Report filed.

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**February 27, 1996**

**CLOSED**

The Board rendered an opinion and made the following Order: "And NOW, this 27th day of February, 1996, we find on the Claim for Docket No. 1650 in favor of the Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, Towers Associates in zero amount; on the Claim for Docket No. 1699 in favor of the Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, Towers Associates, in zero amount; and on the Claim for Docket No. 1743 in favor of Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, Tower Associates, in zero amount. We find on the Counterclaim for Docket No. 1650 in favor of the Counterclaim/Plaintiff, Commonwealth of Pennsylvania, Department of General Services and against the Counterclaim Defendant, Tower Associates, in the amount of Sixteen Thousand Five Hundred Seventy-One Dollars and Twenty-Three Cents (\$16,571.23) with interest from the date of judgment; on the Counterclaim for Docket No. 1699 in favor of Counterclaim/Plaintiff, Commonwealth of Pennsylvania, Department of General Services, and against the Counterclaim/Defendant, Tower Associates, in the amount of Ten Thousand One Hundred Sixty-Two Dollars and Fourteen Cents (\$10,162.14) with interest at the legal rate of six percent (6%) per annum from the date of judgment. Upon receipt of said award, the Counterclaim/Plaintiff 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.

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**March 1, 1996**

Acceptance of Service of Opinion and Order dated February 17, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 28, 1996.

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**March 4, 1996**

Acceptance of Service of Opinion and Order dated February 17, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 28, 1996.

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**May 24, 1996**

Corrected Copy of Petition for Review in the Nature of an Appeal filed by Commonwealth Court. 0749 C.D. 1996

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**June 5, 1996**

File transferred to Commonwealth Court.

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**April 3, 1997**

Order rendered in Commonwealth Court in re: "AND NOW, this 24th day of January, 1997, the order of the Board of Claims in the above-captioned matter is hereby affirmed."

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**April 3, 1997**

File returned from Commonwealth Court.