

Docket Number: 1706

THE BEDWELL COMPANY

C. Grainger Bowman, Esquire
S. Berne Smith, Esquire

CLOSED vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

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

February 18, 1993

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$858,242.00+.

March 3, 1993

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

March 9, 1993

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 4, 1993.

Receipt for appearance of Nora L. Doyle and Jose E. Morales, Assistant Counsels, on behalf of Defendant, filed by attorneys for Defendant. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

March 26, 1993

CLOSED

March 26, 1993

Preliminary Objections of Defendant to Complaint filed by attorneys for Defendant. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

April 6, 1993

Praecipe for Entry of Appearance of C. Grainger Bowman, Esquire, on behalf of the Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 22, 1993

Praecipe for Entry of Appearance of S. Berne Smith, Esquire, on behalf of the Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

April 26, 1993

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

May 25, 1993

Acceptance of Service of Complaint received from attorney for Defendant (Nora L. Doyle, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant March 5, 1993.

June 7, 1993

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

June 14, 1993

Defendant's Reply to Plaintiff's Brief Opposing Defendant's Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

August 27, 1993

The Board rendered an Opinion and made the following Order: "AND NOW, this 27th day of August, 1993, the preliminary Objections as filed by the Defendant are **DISMISSED**. The Defendant is given thirty (30) days in which to file responsive pleading. Copies forwarded to attorneys for Plaintiff and attorneys for Defendant.

August 31, 1993

Acceptance of Service of Opinion and Order dated August 27, 1993 received from attorney for Defendant (Nora L. Doyle, Assistant Unit Chief). Receipt of same acknowledged by attorney for Defendant August 30, 1993.

September 2, 1993

Acceptance of Service of Opinion and Order dated August 27, 1993 received from attorney for Plaintiff (S. Berne Smith, Esquire). Receipt of same acknowledged by attorney for Plaintiff August 30, 1993.

September 7, 1993

Acceptance of Service of Opinion and Order dated August 27, 1993 received from attorney for Plaintiff (C. Grainger Bowman, Esquire). Receipt of same acknowledged by attorney for Plaintiff September 2, 1993.

September 23, 1993

Acceptance of Service of Opinion and Order dated August 27, 1993 received from attorney for Defendant (Jose E. Morales, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant August 30, 1993

September 24, 1993

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

October 22, 1993

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

October 22, 1993

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

January 26, 1994

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

May 23, 1994

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

May 24, 1994

Plaintiff's Request for Admission and Interrogatory (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 7, 1994

Plaintiff's Request for Admission and Interrogatories, 1st Set, 2nd Set and 3rd Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 7, 1994

Respondent's Answers to Plaintiff's Request for Admissions and Interrogatory 1st Set, 2nd Set and 3rd Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 5, 1994

Commonwealth of Pennsylvania, Department of General Services' Motion for Summary Judgement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 27, 1995

Verification of Facts Submitted by Mark Bedwell filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

January 30, 1995

Praecipe to Withdraw as Counsel on behalf of McNeese, Wallace & Nurick filed by McNeese, Wallace & Nurick to withdraw S. Beane Smith, Esquire. Copy forwarded to all attorneys of record by McNeese, Wallace & Nurick.

January 31, 1995

Memorandum of Law in support of its Motion for Summary Judgement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 31, 1995

Reply to Defendant Commonwealth of Pennsylvania, Department of General Services' Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 31, 1995

Plaintiff's Motion for Summary Judgement on Liability, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 31, 1995

Brief in Opposition to Defendant's Motion for Summary Judgement and in Support of its Motion for Summary Judgment on Liability filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 12, 1995

Reply to Plaintiff, The Bedwell Company's Motion for Summary Judgment as well as Memorandum of Law Submitted by the Commonwealth of Pennsylvania, Department of General Services in Opposition to Bedwell's Motion for Summary Judgment and in Support of its Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 18, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of April, 1996, the Motion for Summary Judgment as filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services is **DISMISSED**. The Motion for Summary Judgment as filed by the Plaintiff, The Bedwell Company is **DISMISSED**." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

April 14, 1996

Acceptance of Service of Opinion and Order dated April 18, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 23, 1995.

April 24, 1996

Acceptance of Service of Opinion and Order dated April 18, 1996 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant April 19, 1996.

May 10, 1996

Application to Amend Order for Interlocutory Appeal filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 23, 1996

Plaintiff's Answer to Application to Amend Order for Interlocutory Appeal filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 8, 1996

The Board made the following Order: "AND NOW, this 8th day of July, 1996, the Order of Court dated April 18, 1996, is amended as follows:

The issuance of whether or not a contract existed, whether expressed or implied, between Plaintiff and Defendant, is deemed a controlling question of law as to which there are substantial grounds for differences of opinion. An appeal by Defendant, Commonwealth of Pennsylvania, Department of General Services, from the Order dated April 18, 1996, may materially advance the ultimate termination of this matter." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 10, 1996

Acceptance of Service of Order dated July 8, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 9, 1996.

CLOSED

July 13, 1996

Application for a Stay of all Proceedings and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 2, 1996

The Board approved the following Proposed Order as filed by Defendant on July 23, 1996: "AND NOW, in consideration of Defendant's Application, all proceedings in this matter are stayed, pending final action of the Commonwealth Court of Pennsylvania on Defendant's petition for an interlocutory appeal by permission under Pa.R.App.P 1311." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 6, 1996

Acceptance of Service of Order dated August 2, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 5, 1996.

August 13, 1996

Acceptance of Service of Order dated August 2, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 9, 1996.

August 15, 1996

Acceptance of Service of Order dated July 8, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 9, 1996.

August 21, 1996

Order received from Commonwealth Court. Order as follows: "NOW, August 19, 1996, upon consideration of petitioner's petition for permission to appeal and respondent's brief in opposition thereto, the petition is denied".

September 12, 1996

The Board rendered an Opinion and made the following Order: "AND NOW, this 12th day of September, 1996, it is ORDERED and DECREED that the Stay of Proceedings, issued by the Board on August 2, 1996, is hereby VACATED. Both parties are hereby DIRECTED to complete discovery within ninety (90) days from the effective date of this Order and then advise the Board of Claims when the matter is ready to be set for trial." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

September 17, 1996

Acceptance of Service of Opinion and Order dated September 12, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 16, 1996.

April 1, 1997

Letter forwarded to parties requesting a Status Report. STATUS REPORT DUE MAY 1, 1997.

May 21, 1997

Letter received from attorney for Plaintiff advising that the matter is ready for trial. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 18, 1997

Hearing scheduled for February 2, 3, 4, 5 and 6, 1998 in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA to commence at 9:30 a.m.

November 3, 1997

Commonwealth of Pennsylvania, Department of General Services' Renewed Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 3, 1997

Memorandum of Law Submitted by the Commonwealth of Pennsylvania, Department of General Services in Support of its Renewed Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 4, 1997

Plaintiff's Answer to the Department of General Services' Renewed Motion for Summary Judgment, answered as Brief in Opposition to Department of General Services' Renewed Motion for Summary Judgment, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

January 8, 1998

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of January, 1998, after due consideration of the pleadings, motions, briefs and memoranda, submitted by the parties, it is hereby **ORDERED** that Defendant's Renewed Motion for Summary Judgment is **DENIED** and the matter will be heard by the Board of Claims as scheduled, beginning on February 2, 1998.

January 12, 1998

Acceptance of Service of Opinion and Order dated January 8, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 9, 1998.

January 22, 1998

Acceptance of Service of Opinion and Order dated January 8, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 12, 1998.

January 30, 1998

Plaintiff, The Bedwell Company's Pre-Hearing Memorandum filed by attorney for Defendant. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 30, 1998

Commonwealth of Pennsylvania, Department of General Services', PreTrial Statement filed by attorney for Defendant, via fax. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 2, 1998

Hearing held in Board's Courtroom No. 1, Suite 600, Fulton Building, Harrisburg, Pa., commencing at 9:30 a.m. Case Completed.

March 3, 1998

Testimony of hearing held February 2, 1998 filed.

March 5, 1998

Copy of testimony of hearing held February 2, 1998 forwarded to attorney for Defendant. PLTF'S FINDINGS OF FACT, etc. DUE APRIL 6, 1998.

March 30, 1998

Acceptance of Service of testimony of hearing held February 2, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 6, 1998.

June 16, 1998

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

June 17, 1998

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

July 23, 1998

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

December 11, 1998

The Board rendered an Opinion and made the following Order: "AND NOW, this 11th day of December, 1998, the Board finds in favor of the Defendant, Commonwealth of Pennsylvania, Department of General Services, and against the Plaintiff, The Bedwell Company. Each party to bear their own costs and attorney's fees." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

December 15, 1998

Acceptance of Service of Final Opinion and Order dated December 11, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 14, 1998.

December 16, 1998

Acceptance of Service of Final Opinion and Order dated December 11, 1998 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 14, 1998.

December 21, 1998

Acceptance of Service of Final Opinion and Order dated December 11, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 14, 1998.

CLOSED