

Docket Number: 1722

LEHIGH VALLEY BUILDING SYSTEMS, INC.

Emil W. Kantra, III, Esquire  
Erich J. Schock, Esquire

VS.  
**CLOSED**  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR AND INDUSTRY,  
STATE WORKMEN'S INSURANCE FUND

~~Sandra Christianson, Chief Counsel, Esquire~~  
~~Elaine Lytle Mead, Deputy Chief Counsel~~  
~~Brian P. Downey, Assistant Counsel~~  
~~James D. Jordan, Assistant Counsel~~

**May 27, 1993**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: 63,842.00+.

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**June 10, 1993**

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

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**June 17, 1993**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 15, 1993.

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**June 21, 1993**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 17, 1993.

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**July 12, 1993**

Preliminary Objections to complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 25, 1993**

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

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**September 27, 1993**

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

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**\*October 12, 1993**

Praecipe for Appearance filed by Erich J. Schock, Esquire, attorney for Plaintiff.

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**October 14, 1993**

Copy of Praecipe for Appearance forwarded to attorney for Defendant.

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**October 22, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of October, 1993, the Preliminary Objections, as filed by Defendant, are hereby **DENIED**. The Defendant is given thirty (30) days from the date of this Order to file responsive pleadings." Copy forwarded to attorneys for Plaintiff and attorneys for Defendant.

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**October 22, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of October, 1993, it is **DIRECTED** that counsel submit filings in accordance with the Pennsylvania Rules of Civil Procedure, and secondly under no circumstances mislead this Board or Sanctions will be issued against the attorney personally." Copies forwarded to attorneys for Plaintiff and attorneys for Defendant.

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**October 27, 1993**

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Defendant (Brian P. Downey, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant October 26, 1993.

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**October 27, 1993**

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Defendant (Brian P. Downey, Assistant Counsel). Receipt of same acknowledged by attorney for Defendant October 26, 1993.

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**October 28, 1993**

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Plaintiff (Erich J. Schock, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 25, 1993.

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**October 28, 1993**

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Plaintiff (Erich J. Schock, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 25, 1993.

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**October 28, 1993**

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Plaintiff (Emil W. Kantra, III, Esquire).  
Receipt of same acknowledged by attorney for Plaintiff October 25, 1993.

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**October 28, 1993**

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Plaintiff (Emil W. Kantra, III, Esquire).  
Receipt of same acknowledged by attorney for Plaintiff October 25, 1993.

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**CLOSED**

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October 28, 1993

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Defendant (Elaine Lytle Mead, Deputy Chief Counsel). Receipt of same acknowledged by attorney for Defendant October 28, 1993.

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**October 28, 1993**

Acceptance of Service of Opinion and Order dated October 22, 1993 received from attorney for Defendant (Elaine Lytle Mead, Deputy Chief Counsel). Receipt of same acknowledged by attorney for Defendant October 28, 1993.

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**November 22, 1993**

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

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**December 16, 1993**

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

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**January 4, 1994**

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

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**February 16, 1994**

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

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**February 16, 1994**

Plaintiff's Response to Document Requests of Defendant filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 17, 1994**

Interrogatories of Plaintiff, Lehigh Valley Building Systems, Inc. Directed to Defendant filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorneys for Plaintiff.

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**May 17, 1994**

Request for Production of Statements, Documents and Things filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 4, 1994**

Answers to Request for Production of Statements, Documents and Things filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 22, 1994**

Answers to Interrogatories of Plaintiff, Lehigh Valley Building Systems, Inc. Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 15, 1994**

Second Set of Interrogatories of Plaintiff, Lehigh Valley Building Systems, Inc., Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 15, 1994**

Plaintiff's Second Request for Production of Statements, Documents and Things filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 10, 1994**

Defendant's Answers to Second Set of Interrogatories of Plaintiff, Lehigh Valley Building Systems, Inc., Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 10, 1994**

Defendant's Answers to Plaintiff's Second Request for Production of Statements, Documents and Things filed by attorney for Plaintiff.

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**April 3, 1995**

Third Set of Interrogatories of Plaintiff, Lehigh Valley Building Systems, Inc., Directed to Defendant filed by attorney for Plaintiff.

Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 4, 1995**

Entry of Appearance filed by James D. Jordan, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 11, 1995**

Response to Third Set of Interrogatories of Plaintiff, Lehigh Valley Building Systems, Inc., Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 19, 1995**

Proposed Order, Plaintiff's Motion to Compel Discovery and Brief in Support, thereof, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 11, 1995**

Defendant's Response to Claimant's Motion to Compel and Brief in Support, thereof, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 6, 1995**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of October, 1995, the request of the Plaintiff, Lehigh Valley Building Systems, Inc., in the Motion to Compel Discovery is hereby **DENIED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 11, 1995**

Acceptance of Service of Opinion and Order dated October 6, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 10, 1995.

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**October 12, 1995**

Acceptance of Service of Opinion and Order dated October 6, 1995

received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 11, 1995.

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**November 9, 1995**

Interrogatories of Commonwealth Party, State Workmen's Insurance Fund, Directed to Plaintiff filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**CLOSED**

**January 29, 1996**

Plaintiff's Third Request for Production of Statements, Documents and Things filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 20, 1996**

Proposed Order as well as Motion to Compel Discovery Responses filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 29, 1996**

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant requesting a response to Defendant's Motion to Compel Discovery Responses. Response due from Plaintiff 3/20/96.

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**March 9, 1996**

Motion for In Camera Inspection filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

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**June 5, 1996**

Response of Plaintiff to Defendant's Motion for In Camera Inspection filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 9, 1996**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of August, 1996, the Defendant's Request to Compel Discovery is **GRANTED**. The Plaintiff is **DIRECTED** to file Answers to the Interrogatories filed by the Defendant within thirty (30) days of the exit date of this Order. If these Interrogatories are not answered, continued any evidence that would have been developed through the Interrogatories will not be admitted by this Board. The Motion for an In Camera Inspection is hereby **DENIED**. The Defendant is **ORDERED** to produce the requested documents at a convenient place wherein they may be reviewed by the Plaintiff. Said documents are to be produced within thirty (30) days of the exit date of this Order or at a convenient date established by both counsel for Plaintiff and counsel for Defendant." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 14, 1996**

Acceptance of Service of Opinion and Order dated August 9, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 12, 1996.

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**August 15, 1996**

Acceptance of Service of Opinion and Order dated August 9, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 12, 1996.

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**May 6, 1997**

Status letter forwarded to parties.  
Response due 5/5/97.

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**June 5, 1997**

Letter received from attorney for Plaintiff advising that the parties intend to resume settlement negotiations. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 6, 1997**

Letter received from attorney for Defendant advising that the last activity taken was in compliance with the Board's Order of 8/9/96.

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**September 22, 1997**

Letter forwarded to the parties requesting a status report.  
**Response due from the parties 10/22/97.**

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**October 3, 1997**

Letter received from attorney for Defendant advising that there has been no activity in the case.

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**March 2, 1998**

Hearing scheduled for August 24, 25, 26, 27 and 28, 1998, in Board's Court Room No. 1, Fulton Building, 200 North Third Street, 6th Floor, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**July 29, 1998**

Letter received from attorney for Defendant requesting the hearing be post-poned until October or November, 1998.

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**August 14, 1998**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of August, 1998, it is **ORDERED** and **DECREED** that this case be rescheduled for trial before the Board of Claims, same to begin on April 5, 1999, through April 9, 1999." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 18, 1998**

Acceptance of Service of Opinion and Order dated August 14, 1998, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 17, 1998.

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**August 20, 1998**

Acceptance of Service of Opinion and Order dated August 14, 1998, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 17, 1998.

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Response of Lehigh Valley Building Systems, Inc., to First Request for Admissions of Commonwealth of Pennsylvania Department of Labor and Industry State Workmen's Insurance Fund filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 4, 1999**

Letter forwarded to parties advising that the hearing originally scheduled to start on April 5, 1999, will commence on April 6, through April 9, 1999, and if necessary April 12, 1999.

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**April 1, 1999**

Hearing scheduled for April 6-12, 1999 has been **SETTLED**.

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**April 5, 1999**

Letter received from attorney for Plaintiff advising that the above case has been settled. The settlement documents will be executed by the parties within the next several weeks.

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**August 16, 1999**

Letter received from attorney for Defendant advising that the parties have executed a settlement agreement for this case and requests the Board issue an Order that marks this matter discontinued and ended.

Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 31, 1999**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 31st day of August, 1999, it is **ORDERED AND DECREED** that this case be marked settled and discontinued with prejudice. However, it is further **ORDERED** and **DECREED** that Plaintiff, Lehigh Valley Building Systems, Inc., shall have the right to Petition to Reopen this case should the Settlement Agreement fail to be fully executed.

Copy forwarded to attorney for Plaintiff and Defendant.

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**September 16, 1999**

Acceptance of Service of Opinion and Order dated August 31, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 14, 1999.

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**CLOSED**