

DOCKET Number: 1723

PRIMO CONTRACTING INC.

Paul A. Logan, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

John J. Robinson, Jr., Chief Claims Attorney

May 26, 1993

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$52,250.00+.

June 23, 1993

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

June 28, 1993

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 25, 1993.

July 1, 1993

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 25, 1993.

August 5, 1993

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

August 16, 1993

Plaintiff's Expert Interrogatories Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 27, 1993

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

August 15, 1994

Plaintiff, Primo Contracting, Inc.'s First Set of Requests for Admissions and First Set of Interrogatories Directed to Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 12, 1994

Plaintiff, Primo Contracting, Inc.'s First Set of Requests for Admissions and First Set of Interrogatories Directed to Commonwealth of Pennsylvania, Department of Transportation filed by attorney for

Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 14, 1994

Motion to Determine the Sufficiency of Answers to Requests for Admissions and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 3, 1994

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

December 27, 1994

Pre-trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 4, 1995

Hearing scheduled for January 13, 24, 25, 26 & 27, 1995, if necessary in the Department of Environmental Resources, 13th Floor, Market Street State Office Building, Harrisburg commencing at 9:30 a.m.

January 18, 1995

Pre-trial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 18, 1995

Defendant's Amended Pre-Trial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 20, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of January, 1995, it is **ORDERED** and **DECREED** that the Plaintiff's Motion to Determine the Sufficiency of Answers to Requests for Admissions is hereby **DENIED** and **DISMISSED** as being **MOOT**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 20, 1995

Motion in Limine to Exclude Evidence Relating to Issues Raised in and by Defendant's Amended Pretrial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 31, 1995

Acceptance of Service of Opinion and Order dated January 20, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 25, 1995.

February 13, 1995

Testimony for hearing held January 24, 1995 filed.

February 24, 1995

Copy of testimony of hearing held January 24, 1995 forwarded to attorney for Defendant.

March 8, 1995

Acceptance of Service of Testimony dated February 23, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 6, 1995.

March 14, 1995

Proposed Findings of Fact, Conclusions of Law and Primo Contracting, Inc.'s Brief in Support of the Proposed Finding of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 17, 1995

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

May 8, 1995

Reply Brief of Primo Contracting, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 6, 1995

The Board rendered and Opinion and made the following Order: **"AND NOW,** this 6th day of November, 1995, upon consideration of the Claim presented by Primo Contracting, Inc. against the Commonwealth of Pennsylvania, Department of Transportation, it is hereby **ORDERED** that an award is entered in the amount of Thirty-One Thousand Three Hundred Forty-Four Dollars and Fifteen Cents (\$31,344.15) in favor of Primo Contracting, Inc. and against the Commonwealth of Pennsylvania, Department of Transportation. Interest at the legal rate of six percent (6%) per annum shall be applied to this award from the date of the filing of the Claim in this matter on May 26,

1993. Upon receipt of payment of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked 'settled and ended with prejudice.' Each party to bear their own costs and attorneys' fees." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 13, 1995

Acceptance of Service of Opinion and Order dated November 6, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 8, 1995.

November 22, 1995

Acceptance of Service of Opinion and Order dated November 6, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 1995.

April 16, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of April, 1996, Rule to show Cause is issued upon Plaintiff, Primo Contracting, Inc., wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. This Rule shall become absolute and the case shall be marked "closed and settled with prejudice" in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 16, 1996

Acceptance of Service of Opinion and Order dated April 9, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 11, 1996.

June 11, 1996

The Board made the following Order: "**AND NOW**, this 11th day of June, 1996, upon receipt of a letter over the signature of Paul A. Logan, counsel for Plaintiff, Primo Contracting, Inc., which states: "I have been informed by Primo that payment has been made by PaDOT in the amount of the judgment, plus accrued interest. The matter is now closed." same of which is docketed with this Board under date of May 24, 1996, 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.

June 14, 1996

Acceptance of Service of Order dated June 11, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 13, 1996.

June 17, 1996

Acceptance of Service of Order dated June 11, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 13, 1996.

CLOSED