

Docket Number: 1743
Consolidated with Docket No. 1650 & 1699

TOWER ASSOCIATES

John F. King, Esquire

CLOSED

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

Jose E. Morales, Assistant Counsel

September 10, 1993

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$76,635.93.

September 17, 1993

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

September 23, 1993

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 20, 1993.

CLOSED

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

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 20, 1993.

November 3, 1993

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

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.

February 2, 1994

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

***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 **ORDERS** 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.

March 24, 1994

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

March 24, 1994

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

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.

April 14, 1994

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

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.

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.

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, **DENIED**. It is further **ORDERED** and **DECREED** that these consolidated cases shall proceed to hearing as ordered on September 22, 23 & 26, 1994." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 22, 1994

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

September 23, 1994

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

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.**

October 26, 1994

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

October 31, 1994

Acceptance of Service of Opinion and Order dated September 9, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 13, 1994.

December 14, 1994

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

January 3, 1995

Testimony for hearing held December 14, 1994 filed.

January 12, 1995

Copy of testimony for hearing held December 14, 1994.

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.

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.

December 5, 1995

Eastern District Panel Report filed.

February 27, 1996

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.

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.

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.

May 24, 1996

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

June 25, 1996

File transferred to Commonwealth Court.

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."

April 3, 1997

File returned from Commonwealth Court.

CLOSED