

Docket Number: 1777

G. M. McCROSSIN, INC.

Theodore A. Adler, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

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

December 13, 1993

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$160,734.14+.

December 16, 1993

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

December 29, 1993

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 21, 1994.

CLOSED

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

January 27, 1994

Certificate of Service evidencing service of a 10-day Notice on Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 9, 1994

Reply of Plaintiff to New Matter of Defendant, Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 3, 1994

Eastern District Panel Hearing scheduled for October 5,6 and 7, 1994, if necessary, in Board's Courtroom No. 2, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, at 9:30 a.m.

September 1, 1994

Eastern District Panel Hearing rescheduled for October 7 and 8, 1994, and October 11, 1994, if necessary in Room 154 Labor and Industry Building, Harrisburg, Pennsylvania, at 9:30 a.m.

September 2, 1994

Request for Admissions of Plaintiff, G.M. McCrossin, Inc., Addressed to Defendant, Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 6, 1994

Trial Memorandum of Plaintiff, G.M. McCrossin, Inc., filed by attorney for Plaintiff at time of hearing.

October 6, 1994

Hearing held in Room 154 Labor & Industry Building, Harrisburg, Pennsylvania, commencing at 9:00 a.m.

October 7, 1994

Amended Trial Memorandum of Plaintiff, G.M. McCrossin, Inc., filed by attorney for Plaintiff at time of hearing

October 7, 1994

Hearing held in Room 154 Labor & Industry Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case settled.

November 16, 1994

Testimony of Eastern District Panel Hearing held October 6 and 7, 1994 filed.

December 8, 1994

Acceptance of Service of testimony of Eastern District Panel Hearing held October 6 and 7, 1994, received from attorneys for Defendant.

Receipt of same acknowledged by attorneys for Defendant November 23, 1994.

December 21, 1994

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

April 14, 1995

Defendant's 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 11, 1995

Eastern District Panel Report filed.

January 26, 1996

The Board rendered an Opinion and made the following Order: " It appearing that the underlying claims in this case involve a contract dispute between a contractor and a department of the Commonwealth of Pennsylvania for an amount which is greater then \$300.00; and It further appearing that this Board of Claims has jurisdiction pursuant to 72 P.S. §4651-4; and For other good cause shown; **IT IS NOW**, this 26th day of January, 1996, upon due consideration of the pleadings, testimony, evidence, the Eastern Hearing Report and other submissions of the parties in this matter, hereby **ORDERED** and **DECREED** that Plaintiff's claim for expense relating to lintens, cranes in the loading dock, leveling of floor on side of partition, and excessive drywall repairs are **DELETED**, and it is also hereby **ORDERED** and **DECREED** that Plaintiff's claims for x-ray suite conversion, relocation of rest service, revision of loading system, additional cases at two of the nurses stations, grinding of metal strips and installation of a skim-coat, demolition of the shower-room floor, lamination of whirlpool tubs are **GRANTED** for a total of Eighty-Seven Thousand Four Hundred Thirty-Five Dollars and Seventy-Three Cents (\$87,435.73), plus interest at the legal rate of six percent (6%) per annum from December 13, 1993, the date of filing of the Claim with the Board of Claims. Upon receipt 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 its own costs and attorneys' fees." Copy forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

CLOSED

January 31, 1996

Acceptance of Service of Opinion and Order dated January 26, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 29, 1996.

February 2, 1996

Opinion and Order dated January 26, 1996 forwarded to attorney for Plaintiff, returned due to incorrect address.

February 5, 1996

Opinion and Order dated January 26, 1996 returned to attorney for Plaintiff due to incorrect mailing address.

February 8, 1996

Acceptance of Service of Opinion and Order dated February 5, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 6, 1996.

June 21, 1996

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 21st day of June, 1996 a Rule to Show Cause is issued upon Plaintiff, G. M. McCrossin, 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." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

June 21, 1996

Acceptance of Service of Opinion and Order dated June 21, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 24, 1996.

July 22, 1996

The Board rendered the following Order: **"AND NOW,** this 22nd day of July, 1996, upon receipt of a Letter/Praecipe, advising that the 'Department of General Services has tendered payment in full satisfaction...', executed by Theodore A. Adler, Esquire, on behalf of Plaintiff, G.M. McCrossin, Inc., same of which is docketed with this Board under date of June 27, 1996, it is **ORDERED** and **DIRECTED** that said case be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 26, 1996

Acceptance of Service of Order dated July 22, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 23, 1996.

August 15, 1996

Acceptance of Service of Order dated July 22, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 25, 1996.

August 15, 1996

Acceptance of Service of Opinion and Order dated June 21, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 11, 1996.

CLOSED