

Docket Number: 1792
WEST CONSHOHOCKEN MUNICIPAL AUTHORITY
Richard T. Abell, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
~~John J. Robinson, Jr., Chief Claims Attorney~~
Jeffrey W. Davis, Assistant Counsel

VS.

CLOSED

~~*KAUFMAN CONSTRUCTION COMPANY~~
~~Kimberley J. Noe, Esquire~~
~~John Ledwith, Esquire~~
~~S.~~
~~*ROSS ARACO CONSTRUCTION COMPANY, INC.~~

~~Joanne Steinke Faul, Esquire~~
~~Anthony R. Sherr, Esquire~~
~~Ronald H. Sherr, Esquire~~
~~Anthony R. Sherr, Esquire~~

~~HAINES KIBBLEHOUSE, INC.~~
~~Mariette Mooyman, Esquire~~

~~BCM ENGINEERS, INC.~~
~~Darwin Roseberry, Esquire~~
~~Dennis W. Lanetot, Esquire~~

~~***ATLANTIC STATES CAST IRON PIPE COMPANY a/k/a ATLANTIC STATES PIPE~~
~~FOUNDRY~~

~~Stephen J. Springer, Esquire~~
~~Joseph L. Turchi, Esquire~~

~~RHAWN FLANGE and MACHINE COMPANY~~
~~Dale Ardizzzone, Esquire~~
~~Michael S. Mikulski, II~~

~~*BRUMBAUGH, INC.~~
~~Lori Stubits, Esquire~~
~~Glenn C. Equi, Esquire~~
~~Joel D. Gusky, Esquire~~
~~Melissa Lang, Esquire~~

~~QUANTUM CHEMICAL CORPORATION, Successor to U.S. CHEMICALS, Ltd.~~
~~Daniel S. Bernheim, III, Esquire~~

February 16, 1994

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$551,740.17

March 7, 1994

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

March 9, 1994

Acceptance of service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 9, 1994.

March 11, 1994

Acceptance of service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 9, 1994.

April 4, 1994

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

April 18, 1994

Response of West Conshohocken Municipal Authority to PennDOT's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 6, 1994

Praecipe to Writ to Join Additional Defendant (Kaufman Construction, Inc.) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 9, 1994

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

May 19, 1994

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

June 9, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of June, 1994, the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, are hereby **DISMISSED**. The Defendant is given thirty (30) days from the exit date of this Order to file a responsive pleading." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED June 9, 1994
The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of June, 1994, the Petition for Writ to Join Additional Defendant as filed by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is hereby **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 14, 1994

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

July 8, 1994

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

July 26, 1994

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

***July 26, 1994**

Complaint Against Additional Defendant (Kaufman Construction, Inc.) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 28, 1994

Copy of Complaint Against Additional Defendant (Kaufman Construction, Inc.) forwarded to Additional Defendant (Kaufman Construction, Inc.).

August 17, 1994

Reply of the West Conshohocken Municipal Authority New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 23, 1994

Entry of Appearance of Kimberley J. Woodie, Esquire on behalf of Additional Defendant (Kaufman Construction, Inc.).

September 20, 1994

Additional Defendant Kaufman Construction Company, Inc.'s Answer to Defendant Commonwealth of Pennsylvania Department of Transportation's Complaint and New Matter filed by attorney for Additional Defendant (Kaufman Construction, Inc.).

****September 26, 1994**

Joinder Complaint of Additional Defendant Kaufman Construction Company, Inc. Against Additional Defendants Ross-Araco Corp., Haines & Kibblehouse, Inc., BCM Engineers, Inc., Atlantic States Cast Iron Pipe Company a/k/a Atlantic States Pipe Foundry, Rhawn Flange and Machine Company and Bumbaugh, Inc. filed by Additional Defendant (Kaufman).

October 5, 1994

Reply of Claimant West Conshohocken Municipal Authority to New Matter of Additional Defendant Kaufman Construction Company, Inc. filed by attorney for Plaintiff. Copy forwarded to Additional Defendant (Kaufman) and attorney for Defendant.

October 6, 1994

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

October 7, 1994

Copy of Joinder Complaint of Additional Defendant Kaufman Construction Company, Inc. forwarded to Additional Defendants (Ross-Araco, et al.).

October 19, 1994

Acceptance of Service of Joinder Complaint dated October 7, 1994
received from attorney for Defendant. Receipt of same acknowledged
by attorney for Defendant October 12, 1994.

CLOSED

November 3, 1994

Acceptance of Service of Joinder Complaint dated October 7, 1994 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 11, 1994.

***November 7, 1994**

Answer of Additional Defendant Haines & Kibblehouse, Inc. to Joinder Complaint of Additional Defendant Kaufman Construction Company, Inc. Against Additional Defendants Ross-Araco Corp., Haines & Kibblehouse, Inc., BCM Engineers, inc. Atlantic States Cast Iron Pipe Company a/k/a Atlantic States Pipe Foundry, Rhawn Flange and Machine Company and Bumbaugh, Inc, and New Matter and Crossclaim filed by attorney for Additional Defendant (Kibblehouse). Copy forwarded to all parties of record by attorney for Additional Defendant (Kibblehouse).

November 17, 1994

Response of Additional Defendant Kaufman Construction Company, Inc. to Additional Defendant Haines & Kibblehouse, Inc.'s New Matter and Counterclaim filed by Additional Defendant (Kaufman Construction, Inc.). Copy forwarded to all parties of record by attorney for Additional Defendant (Kaufman).

November 21, 1994

Additional Defendant Atlantic States Cast Iron Pipe Company, a division of McWane, Inc.'s Reply to New Matter and New Matter pursuant to Pa. R. Civ. P. 2252(d) of Additional Defendant, Haines & Kibblehouse, Inc. filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant Atlantic States.

December 1, 1994

Haines & Kibblehouse, Inc.'s Reply to New Matter Pursuant to Pa. R. Civ. P. 2252 (d) of Additional Defendant Atlantic States Cast Iron Pipe Company filed by attorney for Additional Defendant (Haines & Kibblehouse). Copy forwarded to all parties of record by attorney for Additional Defendant (Haines & Kibblehouse).

***December 2, 1994**

Additional Defendant, Atlantic States Cast Iron Pipe Company, a division of McWane, Inc.'s First Set of Interrogatories and Request for Production of Documents Addressed to Additional Defendant, Kaufman Construction Company, Inc. filed by attorney for Additional Defendant Atlantic States. Copy forwarded to all parties of record

by attorney for Additional Defendant Atlantic States.

CLOSED

December 12, 1994

Notice of Intention to Take Default filed by attorney for Additional Defendant (Kaufman Construction, Inc.) against Additional Defendant Bumbaugh, Inc. Copy forwarded to all parties of record by attorney for Additional Defendant (Kaufman Construction Inc.).

December 15, 1994

Preliminary Objections and Brief in Support of Additional Defendant, Ross-Araco Corp. to the Joinder Complaint of Additional Defendant, Kaufman Construction Company, Inc. and Proposed Order filed by attorney for Additional Defendant (Ross-Araco). Copy forwarded to all counsel of record by attorney for Additional Defendant (Ross-Araco).

December 16, 1994

Additional Defendant Kaufman Construction Company, Inc. Reply to the New Matter and New Matter pursuant to Pa. R. Civ. P. 2252(d) of Additional Defendant Atlantic States Cast Iron Pipe Company, Inc., a division of McWane, Inc. filed by attorney for Additional Defendant (Kaufman Construction, Inc.). Copy forwarded to all parties of record by attorney for Additional Defendant (Kaufman Construction, Inc.).

December 19, 1994

Answer of Additional Defendant BCM Engineers, Inc. to Joinder Company of Additional Defendant Kaufman Construction Company, Inc. and New Matter filed by Additional Defendant BCM Engineers, Inc. Copy forwarded to all parties of record by attorney for Additional Defendant BCM Engineers, Inc.

December 21, 1994

Additional Defendant, Atlantic States Cast Iron Pipe Company, a division of McWane, Inc.'s reply to New Matter Pursuant to Pa. R. Civ. P. 2252(d) of Additional Defendant, BCM Engineers, Inc. filed by Additional Defendant Atlantic States. Copy forwarded to all counsel of record by attorney for Additional Defendant Atlantic States.

January 3, 1995

Additional Defendant Kaufman Construction Company, Inc.'s Reply to the New matter Pursuant to Pa. R. Civ. P. 1030 and 2252(d) of Additional Defendant BCM Engineers, Inc. filed by attorney for Defendant (Kaufman Construction, Inc.). Copy forwarded to all parties of record by attorney for Additional Defendant (Kaufman Construction, Inc.).

January 3, 1995

Additional Defendant, Ross-Araco Corp.'s Reply to New Matter of Additional Defendant, BCM Engineers, Inc. filed by Additional Defendant (Ross-Araco). Copy forwarded to all parties of record by attorney for Additional Defendant (Ross-Araco).

January 4, 1995

Haines & Kibblehouse, Inc. Reply to New Matter pursuant to Pa. R. Civ. P. 2252(d) of Additional Defendant BCM Engineers, Inc. filed by Additional Defendant Haines & Kibblehouse, Inc. Copy forwarded to all parties of record by attorney for Additional Defendant Haines & Kibblehouse, Inc.

January 6, 1995

Entry of Appearance and Demand for Jury Trial and Perfection of Jury Demand filed by attorney for Additional Defendant, Rhawn Flange. Copy forwarded to all parties of record by attorney for Additional Defendant, Rhawn Flange.

January 6, 1995

Answer of Additional Defendant, Rhawn Flange and Machine Company to Joinder Complaint of Additional Defendant Kaufman Construction Company, Inc., with New Matter and New Matter pursuant to Pa. R.C.P. 2252(d).

January 9, 1995

Additional Defendant, Atlantic States Cast Iron Pipe Company, a division of McWane, Inc.'s Reply to the New Matter pursuant to Pa. R. Civ. P. 2252(d) of Additional Defendant, Rhawn Flange and Machine Company, Inc. filed by Additional Defendant Atlantic States. Copy forwarded to all parties of record by attorney for Additional Defendant Atlantic States.

January 10, 1995

Letter received from attorney for attorney for Additional Defendant (Bumbaugh, Inc.) advising that the name of the Additional Defendant is incorrect on the Joinder Complaint. Copy forwarded to all parties of record by attorney for Additional Defendant (Bumbaugh).

January 11, 1995

Reply of Claimant West Conshohocken Municipal Authority to New Matter of BCM Engineers, Inc. filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

Reply of Claimant West Conshohocken Municipal Authority to New Matter of Haines & Kiplehouse Inc. filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

Brief in Support of Preliminary Objections of Additional Defendant, Ross-Araco Corp. filed by attorney for Additional Defendant (Ross-Araco Corp.). Copy forwarded to all parties of record by attorney for Additional Defendant (Ross-Araco Corp.).

January 18, 1995

Additional Defendant Kaufman Construction Company, Inc.'s Brief in Support of Additional Defendant's Responses to Additional Defendant Ross-Araco Corp.'s Preliminary Objections filed by Additional Defendant Kaufman. Copy forwarded to all parties of record by attorney for Additional Defendant Kaufman.

January 18, 1995

Additional Defendant Kaufman Construction Company, Inc.'s Response to Defendant Ross-Araco's Preliminary Objections to Additional Defendant's Joinder Complaint filed by attorney for Additional Defendant Kaufman. Copy forwarded to all parties of record by attorney for Additional Defendant Kaufman.

January 18, 1995

Reply of Claimant West Conshohocken Municipal Authority to New Matter of Rhawn Flange filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

January 23, 1995

Additional Defendant Kaufman Construction Company, Inc.'s Reply to the New Matter of Additional Defendant Rhawn Flange and Machine Company filed by Additional Defendant Kaufman. Copy forwarded to all parties of record by attorney for Additional Defendant Kaufman.

February 9, 1995

Reply of Claimant West Conshohocken Municipal Authority to New Matter of Haines & Kibblehouse, Inc. filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

February 9, 1995

Answer of Additional Defendant Bumbaugh, Inc., Properly Designated as Bumbaugh, Inc., to Additional Defendant Haines & Kibblehouse, Inc.'s Cross-Motion Pursuant to Pa. R.C.P. 2252(d) filed by Additional Defendant Bumbaugh. Copy forwarded to all parties of record by attorney for Additional Defendant Bumbaugh.

February 9, 1995

Answer of Additional Defendant Bumbaugh, Inc., Properly Designated as Bumbaugh, Inc., to Additional Defendant Bumbaugh, Inc., to Additional Defendant Rhawn Flange and Machine Company's New Matter Pursuant to Pa. R.C.P. 2252(d) filed by attorney for Additional Defendant Bumbaugh. Copy forwarded to all parties of record by attorney for Additional Defendant Bumbaugh.

February 9, 1995

Answer of Additional Defendant Bumbaugh, Inc., Properly Designated as Bumbaugh, Inc., to Additional Defendant Atlantic States Cast Iron Pipe Company's New Matter Pursuant to Pa. R.C.P. 2252(d) filed by attorney Additional Defendant Bumbaugh. Copy forwarded to all parties of record by attorney for Additional Defendant Bumbaugh.

March 7, 1995

Withdrawal of Appearance of Jacques Mann, Esquire and Entry of Appearance of Dale Ardizzsone, Esquire filed on behalf of Rhawn Flange and Machine Company.

March 15, 1995

Answer of Additional Defendant Bumbaugh, Inc., Properly Designated As Brumbaugh, Inc., to Additional Defendant BCM Engineers, Inc.'s New Matter Pursuant to Pa. R.C.P. 2252(d) filed by attorney for Additional Defendant (Bumbaugh). Copy forwarded to all parties of record by attorney for Additional Defendant (Bumbaugh).

April 12, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of April, 1995, the Preliminary Objections as filed by the Additional Defendant, Ross-Araco Corp., as they relate to Count 5 and 6 are hereby **GRANTED**. Ross-Araco Corp.'s Preliminary Objections to Additional Defendant, Kaufman Construction Company, Inc.'s request for Attorneys' fees is hereby **DENIED**. The parties hereto are given thirty (30) days from the exit date of this Order to file appropriate pleadings." Copy forwarded to all parties of record

CLOSED
April 19, 1995
Acceptance of Service of Order dated April 12, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by Rhawn Flange Machine Company April 18, 1995
April 21, 1995

Acceptance of Service of Opinion and Order dated April 12, 1995 received from attorney for Rhawn Flange Machine Company. Receipt of same acknowledged by Rhawn Flange Machine Company April 18, 1995.

April 21, 1995

Acceptance of Service of Opinion and Order dated April 12, 1995 received from attorney for Additional Defendant Haines & Kibblehouse. Receipt of same acknowledged by Additional Defendant Haines & Kibblehouse April 18, 1995.

April 24, 1995

Acceptance of Service of Opinion and Order dated April 12, 1995 received from attorney for Additional Defendant Bambaugh, Inc. Receipt of same acknowledged by Additional Defendant Bambaugh, Inc. April 17, 1995.

April 24, 1995

Acceptance of Service of Opinion and Order dated April 12, 1995 received from attorney for Additional Defendant BCM Engineers, Inc. Receipt of same acknowledged by Additional Defendant BCM Engineers April 17, 1995.

April 26, 1995

Acceptance of Service of Opinion and Order dated April 12, 1995 received from attorney for Additional Defendant BCM Engineers, Inc.

Receipt of same acknowledged by Additional Defendant BCM Engineers April 17, 1995.

April 26, 1995

Acceptance of Service of Opinion and Order dated April 12, 1995 received from attorney for Additional Defendant Ross-Araco Corp. Receipt of same acknowledged by Additional Defendant Ross-Araco Corp. April 21, 1995.

April 26, 1995

Answer of Additional Defendant Bumbaugh, Inc. Properly Designated as Bumbaugh, Inc., to Joinder Complaint of Additional Defendant, Kaufman Construction Co., Inc., with New Matter and Crossclaim filed by Additional Defendant Bumbaugh, Inc.

May 16, 1995

Answer of Additional Defendant, Ross-Araco Corp., to the Joinder Complaint of Additional Defendant, Kaufman Construction Co., Inc., with New Matter Pursuant to Pa. R.Civ.P. 2252(d) filed by attorney for Additional Defendant Bumbaugh, Inc. Copy forwarded to all parties of record by Additional Defendant.

May 16, 1995

Additional Defendant Kaufman Construction Company, Inc.'s Reply to the New Matter and Crossclaim of Additional Defendant Bumbaugh, Inc. Properly Designated as Bumbaugh, Inc. with New Matter filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

May 16, 1995

Reply of Additional Defendant, Atlantic States Cast Iron Pipe Company a/k/a Atlantic States Pipe Foundry, properly designated as Atlantic States Cast Iron Pipe Company, a division of McWane, Inc., to the New Matter Pursuant to Pa R.Civ.P. 2252(d) of Additional Defendant, Bumbaugh, Inc., properly designated as Bumbaugh, Inc. filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

May 18, 1995

Reply of Additional Defendant BCM Engineers Inc. to the New Matter Pursuant to Pa. R.C.P. 2252(d) of Additional Defendant Ross-Araco Corp. filed by Additional Defendant BCM Engineers Inc. Copy forwarded to all parties of record by attorney for Additional Defendant.

May 31, 1995

Additional Defendant Kaufman Construction Company, Inc.'s Reply to New Matter and New Matter Pursuant to Pa. R.Civ.P. 2252(d) of Additional Defendant Ross-Araco Corp. filed by attorney for Additional Defendant Kaufman. Copy forwarded to all parties of record by attorney for Additional Defendant Kaufman.

June 5, 1995

Stipulation for Leave to Join Additional Defendant, U.S. Chemical, Ltd. filed and executed by all parties of record.

June 5, 1995

Reply of Additional Defendant Bumbough, Inc., properly designated as Bumbaugh, Inc., to New Matter of Additional Defendant, Kaufman Construction Company, Inc. filed by attorney for Additional Defendant. Copy forwarded to parties of record by attorney for Additional Defendant.

June 5, 1995

Answer of Additional Defendant Bumbough, Inc., properly designated as Bumbaugh, Inc., to New Matter pursuant to Pa. R.C.P. 2252(d) of Additional Defendant, Ross-Araco Corp. filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

June 19, 1995

Stipulation of Dismissal dismissing Haines & Kibblehouse filed by attorney for Plaintiff executed by all parties of record.

June 19, 1995

Additional Defendant Rhawn Flange and Machine Company's Reply to New Matter pursuant to 2252(d) of Additional Defendant Bumbaugh, Inc. filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

June 21, 1995

Additional Defendant Rhawn Flange and Machine Company's Reply to the New Matter Pursuant to 2252(d) of Additional Defendant Brumbough, Inc. filed by attorney for Additional Defendant Rhawn Flange and Machine Company. Copy forwarded to all parties of record by attorney for Additional Defendant Rhawn Flange and Machine Company.

June 28, 1995

Additional Defendant Rhawn Flanges and Machine Company's Reply to New Matter pursuant to 2252(d) of Additional Defendant BCM Engineers, Inc. filed by attorney for Additional Defendant Rhawn Flange and Machine Company. Copy forwarded to all parties of record.

June 28, 1995

Additional Defendant Rhawn Flanges and Machine Company's Reply to New Matter pursuant to 2252(d) of Additional Defendant Moss-Arabo Corp. filed by attorney for Additional Defendant Rhawn Flange and Machine Company. Copy forwarded to all parties of record.

June 30, 1995

Plaintiff's Brief in Support of Preliminary Objections to Paragraph 9 of Defendant's New Matter and Paragraph 5-7 of Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

July 3, 1995

Additional Defendant Rhawn Flange and Machine Company's Reply to all Additional Defendant Atlantic States Cast Iron Company's New Matter pursuant to 2252(d) directed to all Additional Defendants and New Matter pursuant to 2252(d) directed Specifically to Additional Defendant Rhawn Flange and Machine Company filed by attorney for Additional Defendant Rhawn Flange and Machine Company. Copy forwarded to all parties of record.

****July 3, 1995**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 3rd day of July, 1995, it is **ORDERED** and **DECREED** that leave is **GRANTED** to join USI Chemicals, Ltd. to this action as an Additional Defendant." Copy forwarded to all parties of record.

July 14, 1995

Acceptance of Service of Opinion and Order dated July 3, 1995 received from attorney for Additional Defendant Rhawn Flange. Receipt of same acknowledged by attorney for Defendant July 10, 1995.

July 17, 1995

Acceptance of Service of Opinion and Order dated July 3, 1995 received from attorney for Additional Defendant Atlantic States. Receipt of same acknowledged by attorney for Additional Defendant Atlantic States July 14, 1995.

July 21, 1995

The Board rendered an Opinion and made the following Order: **AND NOW**, this 21st day of July, 1995, it is **ORDERED** and **DECREED** that the Additional Defendant, Haines & Kinnehouse, Inc., is **DISMISSED** as an Additional Defendant from all claims and Crossclaim without prejudice." Copy forwarded to all parties of record.

Acceptance of Service of Opinion and Order dated July 21, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 25, 1995.

July 27, 1995

Acceptance of Service of Opinion and Order dated July 21, 1995 received from attorney for Additional Defendant (Mary F. Platt, Esquire). Receipt of same acknowledged by attorney for Additional Defendant July 24, 1995.

******July 28, 1995**

Joinder Complaint of Additional Defendant, Bumbaugh, Inc., Against Additional Defendant Quantum Chemical Corporation, successor to USI Chemicals, Ltd., filed by attorney for Additional Defendant.

August 2, 1995

Acceptance of Service of Opinion and Order dated July 3, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 25, 1995.

August 4, 1995

Copy of Joinder Complaint forwarded to all parties of record.

August 3, 1995

Acceptance of Service of Opinion and Order dated July 21, 1995 received from attorney for Additional Defendant (Atlantic States).

Receipt of same acknowledged by attorney for Additional Defendant (Atlantic States) July 31, 1995.

August 9, 1995

Acceptance of Service of Joinder Complaint dated August 4, 1995 received from attorney for Additional Defendant Atlantic States. Receipt of same acknowledged by attorney for Additional Defendant August 4, 1995.

August 10, 1995

Acceptance of Service of Joinder Complaint dated August 4, 1995 received from attorney for Additional Defendant BCM Engineers, Inc. Receipt of same acknowledged by attorney for Additional Defendant August 8, 1995.

August 10, 1995

Acceptance of Service of Joinder Complaint dated August 4, 1995 received from attorney for Additional Defendant BCM Engineers, Inc.

Receipt of same acknowledged by attorney for Additional Defendant August 7, 1995.

August 14, 1995

Acceptance of Service of Joinder Complaint dated August 4, 1995 received from attorney for Additional Defendant, Kaufman. Receipt of same acknowledged by attorney for Additional Defendant, Kaufman August 10, 1995.

September 8, 1995

Entry of Appearance of Daniel S. Bernheim, 3d, Esquire, filed on behalf of Quantum Chemical Corporation.

September 8, 1995

Stipulation for Extension of Time within which to Plead filed by attorney for Additional Defendant (Quantum). Copy forwarded to all parties of record by attorney for Additional Defendant (Quantum).

October 10, 1995

Answer of Additional Defendant, Quantum Chemical Corporation to the Joinder Complaint of Additional Defendant, Bumbaugh, Inc. with New Matter and New Matter in the Nature of a Crossclaim filed by Additional Defendant Quantum Chemical Corporation. Copy forwarded to all parties of record by attorney for Additional Defendant, Quantum.

October 24, 1995

Additional Defendant Rhawn Flange and Machine Company's Reply to the New Matter Pursuant to 2252(d) of Additional Defendant Quantum Chemical Corporation filed by attorney for Additional Defendant (Rhawn Flange and Machine Company). Copy forwarded to all parties of record by attorney for Additional Defendant (Rhawn Flange and Machine Company).

October 24, 1995

Additional Defendant Ross-Araco Corp.'s Reply to New Matter of Additional Defendant, Quantum Chemical Corporation in the Nature of a Crossclaim filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

October 27, 1995

Quantum Chemical Corporation, Successor to USI Chemicals, LTD's Response to New Matter Pursuant to Pa. R.C.P. 2252(d) of Ross-Araco Corp. filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

October 30, 1995

Answer of Additional Defendant Brumbaugh, Inc. to New Matter and New Matter Pursuant to Rule 2252(d) of Additional Defendant, Quantum Chemical Corporation filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

October 31, 1995

Reply of Additional Defendant Atlantic States Cast Iron Pipe Company a/k/a Atlantic States Pipe Foundry, Properly Designated as Atlantic States Cast Iron Pipe Company, a division of McWane, Inc. to the New Matter pursuant to Pa. R.Civ.P. 2252(d) of Additional Defendant Quantum Chemical Corporation, Successor to USI Chemicals, Inc. filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

November 3, 1995

Additional Defendant BCM Engineers Inc.'s Reply to New Matter pursuant to 2252(d) of Additional Defendant Quantum Chemical Corporation filed by attorney for Additional Defendant BCM Engineers, Inc. Copy forwarded to all parties of record by attorney for Additional Defendant BCM Engineers, Inc.

November 3, 1995

Additional Defendant Kaufman Construction Company, Inc.'s Reply to the New Matter of Additional Defendant Quantum Chemical Corp. with New Matter and New Matter Pursuant to Pa. R.Civ.P. 2252(d) filed by Additional Defendant Kaufman. Copy forwarded to all parties of record by attorney for Additional Defendant.

November 6, 1995

Quantum Chemical Corporation's Reply to New Matter of Additional Defendant, Kaufman Construction Company, Inc. filed by attorney for Additional Defendant, Quantum. Copy forwarded to all parties of record by attorney for Additional Defendant Quantum.

November 27, 1995

Reply of Plaintiff, West Conshohocken Municipal Authority to New Matter of Quantum Chemical Corporation filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff.

December 26, 1995

Withdrawal of Appearance of Clarissa Greenman Raspanit, Esquire and Entry of Appearance of Stephen J. Springer, Esquire as counsel for Additional Defendant, Atlantic States Cast Iron Pipe Company.

March 6, 1996

Answer to Defendant Kaufman Construction Company, Inc.'s Interrogatories Addressed to the Commonwealth of Pennsylvania, Department of Transportation Set II Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Additional Defendant (Kaufman) by attorney for Defendant.

March 14, 1996

Copy of letter received from attorney for Defendant confirming with attorney for Kaufman Construction Company, Inc. that they are granted another 30-day extension of time for the Defendant to file its Answer to Interrogatories, Set I.

August 29, 1996

Plaintiff's Answers to Atlantic States Cast Iron Pipe Company's Contention Interrogatories Addressed to All Parties filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

August 29, 1996

Response of Plaintiff (West Conshohocken Municipal Authority) to Request for Admissions of Atlantic States Cast Iron Pipe Co. filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

September 10, 1996

Answer of Defendant, Commonwealth of Pennsylvania, Department of Transportation to Atlantic States Cast Iron Pipe Company's Requests for Admission Addressed to all parties filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

September 16, 1996

Response of Additional Defendant, Rhawn Flange and Machine Company to Atlantic States Cast Iron Pipe Company's Requests for Admissions filed by attorney for Additional Defendant Rhawn Flange. Copy forwarded to all parties of record by attorney for Additional Defendant Rhawn Flange.

October 10, 1996

Withdrawal of Appearance of G. Wayne Renneisen, Esquire and Entry of Appearance of Mr. Equi, Esquire, filed on behalf of Additional Defendant Bumbaugh, Inc. Copies forwarded to all parties of record.

November 22, 1996

Answers of Additional Defendant BCM Engineers to Requests for Admissions of Additional Defendant Atlantic States Cast Iron Pipe Company filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

March 21, 1997

Formal Notice of Oral Deposition filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

May 13, 1997

Praecipe to Certify Active Status filed by attorney for Plaintiff.

Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 4, 1997

Motion for Judgment on the Pleadings filed by attorney for Additional Defendant Rhawn Flange and Machine Company. Copy forwarded to all parties of record by attorney for Additional Defendant Rhawn Flange and Machine Company. RESPONSE AND BRIEFS DUE FROM PARTIES 8/4/97.

June 26, 1997

Plaintiff's Response to Rhawn Flange's Motion to Dismiss Count V and VI of Plaintiff to Additional Defendant Rhawn Flange's Motion. Copy forwarded to all parties of record by attorney for Plaintiff.

June 27, 1997

Receipt to Certify Active Status filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

June 27, 1997

Entry of Appearance of Ronald H. Sherr, Esquire and Withdrawal of Appearance of Joanne Faul, Esquire, on behalf of Additional Defendant, Ross-Araco, filed by attorney for Additional Defendant.

July 8, 1997

Additional Defendant Rhawn Flange and Machine Company's Memorandum of Law in Support of Its Motion for Judgment on the Pleadings filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

July 28, 1997

Additional Defendant Kaufman Construction Company's Response to Additional Defendant Rhawn Flange and Machine Company's, Motion for Judgment on the Pleadings filed by attorney for Additional Defendant Kaufman. Copy forwarded to all parties of record by attorney for additional Defendant Kaufman.

August 11, 1997

Additional Defendant Rhawn Flange and Machine Company's Reply to Additional Defendant Kaufman Construction Company's Answer to Rhawn Flange's Motion for Judgment on the Pleadings filed by Additional Defendant.

September 12, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of September, 1997, it is **ORDERED** and **DECREED** that Rhawn Flange and Machine Company's Motion for Judgment on the pleadings as to Counts V and VI exclusively of Kaufman's Complaint, are hereby **GRANTED**." Copy forwarded to all parties of record.

September 18, 1997

Acceptance of Service of Opinion and Order dated September 12, 1997 received from attorney for Additional Defendant Brumbaugh. Receipt of same acknowledged by attorney for Additional Defendant Brumbaugh September 16, 1997.

September 22, 1997

Defendant Ross-Araco Corporation's Motion to Compel Compliance Answers to Interrogatories filed by attorney for Additional Defendant Ross Araco Corporation. Copy forwarded to all parties of record.

September 25, 1997

Acceptance of Service of Opinion and Order dated September 12, 1997 received from attorney for Additional Defendant Ross-Araco. Receipt of same acknowledged by attorney for Additional Defendant September 17, 1997.

June 8, 1998

Withdrawal of Appearance of Ronald H. Sherr, Esquire and Entry of Appearance of Anthony R. Sherr, Esquire filed on behalf of Plaintiff.

October 14, 1998

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of October, 1998 upon consideration of the Defendant, Ross-Araco Corporation's Motion to Compel, and there being no opposition filed, it is hereby **ORDERED** and **DECREED** that Defendant, Kaufman Construction Company, shall file responses to Defendant Ross-Araco Corporation's Interrogatories dated July 1, 1997 within thirty (30) days of the exit date of this Order.

October 26, 1998

Acceptance of Service of Opinion and Order dated October 14, 1998 received from attorney for Additional Defendant Rhawn Flange and Machine Company. Receipt of same acknowledged by attorney for Additional Defendant Rhawn Flange and Machine Company October 19, 1998.

October 26, 1998

Withdrawal of Appearance of Dale S. Ardizzone, Esquire and Entry of Appearance of Michael S. Mikulski, II, Esquire, filed on behalf of Additional Defendant Rhawn Flange and Machine Company.

November 10, 1998

Withdrawal of Appearance of Stephen J. Springer, Esquire and Entry of Appearance of Joseph L. Turchi, Esquire, filed on behalf of Additional Defendant Atlantic States Case Iron Pipe Company.

November 25, 1998

Additional Defendant, Rhawn Flange and Machine Company's Motion to Compel Defendant, Quantum Corporation to Answer Additional Defendant's Interrogatories and Proposed Order filed by attorney for Additional Defendant, Rhawn Flange and Machine Company. Copy forwarded to all parties of record by attorney for Additional Defendant, Rhawn Flange and Machine Company.

January 13, 1999

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of January, 1999, it is ORDERED and DECREED that the Motion to Compel as filed by Defendant, Rhawn Flange and Machine Company is hereby GRANTED. It is further ORDERED and DECREED that Defendant, Quantum Chemical Corporation shall file its response to the interrogatories no later than sixty (60) days from the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 21, 1999

Acceptance of Service of Opinion & Order dated January 13, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 15, 1999.

March 20, 2000

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 20th day of March, 2000, it is **ORDERED** and **DECREED** that all discovery herein shall be concluded by the end of July, 2000. It is further **ORDERED** and **DECREED** that all counsel shall advise the Board as to how much time is needed for each party to present its case. It is further **ORDERED** and **DECREED** that all counsel shall coordinate dates for trial with Senior Counsel to the Board of Claims, Robert L. McLaughlin, on or before August 5, 2000." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 24, 2000

Acceptance of Service of Opinion and Order dated March 20, 2000 received from John Ledwith, Esquire. Receipt of same acknowledged by John Ledwith, Esquire March 22, 2000.

March 27, 2000

Acceptance of Service of Opinion and Order dated March 20, 2000 received from Michael W. Lanctot, Esquire (attorney for Rhawn Flange and Machine Company). Receipt of same acknowledged by Michael W. Lanctot, Esquire March 22, 2000.

March 27, 2000

Acceptance of Service of Opinion and Order dated March 20, 2000 received from Joseph L. Turchi, Esquire (attorney for Atlantic States). Receipt of same acknowledged by Joseph L. Turchi, Esquire March 23, 2000.

March 30, 2000

Acceptance of Service of Opinion and Order dated March 20, 2000 received from Glenn C. Equi, Esquire. Receipt of same acknowledged by Glenn C. Equi, Esquire March 23, 2000.

April 3, 2000

Stipulation of Dismissal of Atlantic States Cast Iron Pipe Company a/k/a Atlantic States Pipe Foundry filed by attorney for Additional Defendant. Copy forwarded to all parties of record by attorney for Additional Defendant.

April 14, 2000

Acceptance of Service of Opinion and Order dated March 20, 2000 received from Richard T. Abell, Esquire (attorney for Plaintiff). Receipt of same acknowledged by attorney for Plaintiff April 11, 2000.

April 14, 2000

Status letter filed by attorney for Plaintiff advising of the filing of a Federal Bankruptcy for BCM Engineers, Inc. which should automatically stay said proceedings and further that if all the parties are agreeable, Plaintiff is willing to attend a non-binding settlement conference or a binding ADR proceeding.

*****April 24, 2000**

The Board rendered an Opinion and made the following Order: "AND NOW, this 24th day of April, 2000, based on the Stipulation of all parties hereto, it is hereby **ORDERED** that Atlantic States Cast Iron Pipe Company and/a Atlantic States Pipe Foundry is **DISMISSED** without prejudice as Additional Defendant in the above-captioned matter.

May 1, 2000

Acceptance of Service of Opinion and Order dated April 24, 2000 received from Joseph L. Turchi, Esquire (attorney for Atlantic States). Receipt of same acknowledged by Joseph L. Turchi, Esquire April 27, 2000.

May 1, 2000

Acceptance of Service of Opinion and Order dated April 24, 2000 received from Michael S. Mikulski, II, Esquire (attorney for Rhawn Flange). Receipt of same acknowledged by Michael S. Mikulski, II, Esquire April 26, 2000.

May 5, 2000

Acceptance of Service of Opinion and Order dated April 24, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 28, 2000.

June 5, 2000

Acceptance of Service of Opinion and Order dated April 24, 2000 received from attorney for Additional Defendant (Ross Araco). Receipt of same acknowledged by attorney for Additional Defendant April 9, 2000.

June 21, 2000

Hearing scheduled for March 12-16, 19-23, 2001 in Board's Courtroom No. 1, 200 North Third Street, Suite 700, Harrisburg, PA 17101 commencing at 9:30 a.m. Pre-Trial statements due on/or before February 12, 2001.

June 28, 2000

Acceptance of Service of Order dated June 21, 2000 received from attorney for Defendant (Michael S. Mikulski, II, Esquire). Receipt of same acknowledged by attorney for Defendant June 23, 2000.

June 28, 2000

Acceptance of Service of Order dated June 21, 2000 received from attorney for Defendant (Glenn C. Equi, Esquire). Receipt of same acknowledged by attorney for Defendant June 21, 2000.

July , 2000

Acceptance of Service of Order dated June 21, 2000 received from attorney for Defendant (John F. Ledwith, Esquire). Receipt of same acknowledged by attorney for Defendant July 10, 2000.

July 27, 2000

Defendant's Response to Brumbaugh Industries, Inc. Request for Production of Documents Directed to Defendant filed.

August 17, 2000

Motion to Compel of Additional Defendant, Brumbaugh, Inc. directed to Additional Defendant, Ross-Araco, Corp. filed. Copy forwarded to Additional Defendant, Ross-Araco, Corp. filed by Additional Defendant, Brumbaugh, Inc. Response due September 22, 2000.

November 20, 2000

Motion for Sanctions Against Kaufmann Construction Company for Failure to Comply with Court Order filed by attorney for Defendant (Ross-Araco). Copy forwarded to attorney for Defendant (Kauffman) by attorney for Defendant (Ross-Araco).

November 27, 2000

Response of Kaufmann Construction Company, Inc. to Motion for Sanctions of Ross-Araco Corp. filed by attorney for Additional Defendant.

December 26, 2000

Withdrawal of Appearance of Glenn C. Equi, Esquire and Entry of

Appearance of Joel Gusky, Esquire filed on behalf of Additional Defendant, Brumbaugh, Inc.

January 4, 2001

Letter forwarded to parties requesting status. Response due from parties February 5, 2001.

January 4, 2001

Letter forwarded to parties rescheduling hearing from March 12-16, 19-23, 2001 to March 19-23, 26-30, 2001.

January 25, 2001

Letter received from attorney for Defendant (Brumbaugh) requesting a continuance of the hearing for 30 days in order to complete discovery.

January 25, 2001

Motion of Additional Defendant Quantum Chemical Corporation to Compel discovery Directed to Plaintiff West Conshohocken Municipal Authority, and Defendants Commonwealth of Pennsylvania Department of Transportation, Kaufman Construction Company, Inc., BCM Engineers, Inc., Rhawn Flange and Machine Company and Brumbaugh, Inc. as well as Proposed Order filed by attorney for Additional Defendant Quantum Chemical Corporation. RESPONSE DUE FROM PARTIES MARCH 1, 2001.

January 29, 2001

The Board rendered the following Order: **"AND NOW**, this 29th day of January, 2001, this matter shall be continued until Monday, September 24, 2001 through October 5, 2001, commencing at 9:30 a.m. at 200 North Third Street, Suite 700, Harrisburg, PA 17101.

January 29, 2001

Letter received from attorney for Additional Defendant, Ross-Araco, requesting a continuance of the original dates for hearing in this matter.

January 29, 2001

Letter received from attorney for Additional Defendant, Ross-Araco, requesting the Board to rule on their outstanding Motion for Sanctions.

February 14, 2001

Acceptance of Service of Order dated January 29, 2001 received from attorney for Defendant (Rhawn Flange). Receipt of same acknowledged by attorney for Defendant February 8, 2001.

March 28, 2001

Certificate of Service of Kaufmann Construction Company's Answers to the Interrogatories of Ross Araco filed.

June 26, 2001

Defendant's Motion to Compel Plaintiff's Production of Documents and Answers to Interrogatories Pursuant to P.R.C.P. 419 filed. **RESPONSE DUE FROM PLAINTIFF JULY 30, 2001.**

July 1, 2001

Letter received from attorney for Additional Defendant Brumbaugh, Inc. requesting information on the Motion to Compel Directed to Additional Defendant, Ross-Araco Corp. which they filed with the Board under docket date of August 17, 2000.

July 16, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 16th day of July, 2001, upon consideration of Additional Defendant's, Brumbaugh, Inc., Motion to Compel responses to requests for production of documents directed to Additional Defendant, Ross-Araco Construction Company and Ross-Araco Construction Company's lack of response thereto, it is hereby **ORDERED** and **DECREED** that Additional Defendant Ross-Araco Construction Company shall serve its responses to Brumbaugh, Inc.'s request for production of documents within twenty (20) days from the exit date of this Order." Copy forwarded to all parties of record.

July 16, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 16th day of July, 2001, it is hereby **ORDERED** and **DECREED** that Additional Defendant's, Ross-Araco Construction Company, Inc., Motion for Sanctions is hereby **DISMISSED** as **MOOT**." Copy forwarded to all parties of record.

July 16, 2001

Praecipe to Withdraw Defendant Quantum Chemical Corporation's Motion to Compel Discovery as to Defendant Commonwealth of Pennsylvania, Department of Transportation Only filed by attorney for Additional

Defendant, Quantum.

July 23, 2001

Acceptance of Service of Opinion and Order dated July 16, 2001 received from attorney for Additional Defendant. Receipt of same acknowledged from attorney for Additional Defendant July 19, 2001.

July 20, 2001

Acceptance of Service of Opinion and Order dated July 16, 2001 received from attorney for Additional Defendant (Daniel S. Bernheim, III, Esquire). Receipt of same acknowledged from attorney for Additional Defendant July 20, 2001.

July 11, 2001

Plaintiff's Answers to Defendant's Interrogatories, Plaintiff's Reply to Request for Production and Response of Plaintiff to Motion to Compel filed by attorney for Plaintiff.

August 1, 2001

Acceptance of Service of Opinion and Order dated July 16, 2001 received from attorney for Additional Defendant (Daniel S. Bernheim, III, Esquire). Receipt of same acknowledged by attorney for Additional Defendant July 18, 2001.

August 6, 2001

Acceptance of Service of Opinion and Order dated July 16, 2001 received from attorney for Additional Defendant (Anthony R. Sherr, Esquire. Receipt of same acknowledged by attorney for Additional Defendant August 1, 2001.

August 6, 2001

Acceptance of Service of Opinion and Order dated July 16, 2001 received from attorney for Additional Defendant (Anthony R. Sherr, Esquire. Receipt of same acknowledged by attorney for Additional Defendant August 1, 2001.

August 13, 2001

Letter forwarded to all parties of record scheduling a Pre-Trial Conference for September 5, 2001 to be held in the office of David C. Clipper, Chief Administrative Judge, 7th Floor, Fulton Building,

200 North Third Street, Harrisburg, Pennsylvania, commencing at 10:30 a.m.

August 9, 2001

Additional Defendant, Ross-Araco Corp.'s Motion to Compel Plaintiff's Answers to Interrogatories filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff by attorney for Additional Defendant.

August 10, 2001

Acceptance of Service of Opinion and Order dated July 16, 2001 received from attorney for Additional Defendant (John Ledwith, Esquire). Receipt of same acknowledged by attorney for Additional Defendant August 7, 2001.

CLOSED

August 16, 2001

Letter received from attorney for Addtl. Def., Brumbaugh, on behalf of Brumbaugh, PennDot, Kaufman & Rhawn Flange, Addtl. Def. requests that the hearing in this matter be continued for an additional 60 days to complete outstanding discovery issues.

August 20, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 20th day of August, 2001, it is hereby **ORDERED** and **DECREED** that Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Motion to Compel Plaintiff's, West Conshohocken Municipal Authority, answers to interrogatories and production of documents is hereby **MOOT**.

August 20, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 20th day of August, 2001, it is hereby **ORDERED** and **DECREED** that Additional Defendant's, Quantum Chemical Corporation, Motion to Compel Discovery as to the Defendant, Commonwealth of Pennsylvania, Department of Transportation is hereby **MOOT**.

August 20, 2001

Plaintiff West Conshohocken Municipal Authority's Reply to Defendant Ross Araco's Motion to Compel Responses to Discovery as well as Answers to Interrogatories filed.

August 29, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 29th day of August, 2001, it is hereby **ORDERED** and **DECREED** that Additional Defendant's, Quantum Chemical Corporation, Motion to Compel Discovery as to the Defendant, Commonwealth of Pennsylvania, Department of Transportation is hereby **MOOT**." Copy forwarded to all counsel of record.

September 10, 2001

Hearing set for September 24-28, October 1-5, 2001 rescheduled.
Hearing rescheduled for May 6-10, 13-17, 2002.

CLOSED

September 10, 2001

The Board rendered the following Order: **AND NOW**, this 10th day of September, 2001, it is **ORDERED** and **DECREED** that this matter originally set for hearing on September 24-28, 2001, as well as, October 1-5, 2001, has been rescheduled for a hearing before the Board beginning on May 6-10, 2002, as well as, May 13-17, 2002, if necessary. Said hearing shall be held in Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery be completed no later than forty-five (45) days prior to the commencement of the trial." Copy forwarded to all parties of record.

September 17, 2001

Acceptance of Service of Opinion and Order dated August 29, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 9, 2001.

September 17, 2001

Acceptance of Service of Opinion and Order dated September 10, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 12, 2001.

September 17, 2001

Acceptance of Service of Opinion and Order dated September 12 2001 received from attorney for Additional Defendant, Brumbaugh, Inc. Receipt of same acknowledged by attorney for Additional Defendant, Brumbaugh, Inc. September 12, 2001.

September 18, 2001

Acceptance of Service of Order dated September 10, 2001 received

from attorney for Additional Defendant, Kaufman. Receipt of same acknowledged by attorney for Additional Defendant, Kaufman September 12, 2001.

September 19, 2001

Acceptance of Service of Opinion and Order dated August 29, 2001 received from attorney for Additional Defendant, Anthony R. Sherr, Esquire. Receipt of same acknowledged by attorney for Additional Defendant September 12, 2001.

CLOSED

September 19, 2001

Acceptance of Service of Opinion and Order dated September 10, 2001 received from attorney for Additional Defendant, Anthony R. Sherr, Esquire. Receipt of same acknowledged by attorney for Additional Defendant September 12, 2001.

October 5, 2001

Acceptance of Service of Opinion and Order dated August 21, 2001 and August 29, 2001 received from attorney for Additional Defendant, Quantum Chemical, Inc. Receipt of same acknowledged by attorney for Additional Defendant August 28, 2001.

November 1, 2001

Petition for Leave to Withdraw Appearance filed by Denis W. Lanctot, counsel on behalf of BCM Engineers, Inc and proposed Order.

November 2, 2001

The Board rendered the following Order: **"AND NOW**, this 2nd day of November, 2001, upon consideration of the foregoing Petition for Leave to Withdraw Appearance, a Rule is entered upon all parties to this action to show cause, if any there be, why Roseberry & Lanctot should not be permitted to withdraw its appearance for additional defendant BCM Engineers Inc." Copy forwarded to all parties of record.

November 13, 2001

Acceptance of Service of Order dated November 2, 2001 received from attorney for Additional Defendant (Rhawn Flange). Receipt of same acknowledged by attorney for Additional Defendant November 5, 2001.

November 15, 2001

Motion for Summary Judgment of Additional Defendant Quantum Chemical Corporation, Brief in Support and Proposed Order filed by attorney for Additional Defendant, Quantum Chemical Corporation. Copy forwarded to all parties of record by attorney for Additional Defendant, Quantum Chemical Corporation. Response due December 17, 2001.

November 16, 2001

Acceptance of Service of Order dated November 2, 2001 received from attorney for Additional Defendant (Ross Araco). Receipt of same acknowledged by attorney for Additional Defendant November 13, 2001.

CLOSED

November 28, 2001

Letter received from attorney for Additional Defendant Kaufman Construction Company advising that they do not oppose the granting of Quantum's Motion for Summary Judgment and accordingly, will not be filing a response to said Motion.

December 3, 2001

Letter received from attorney for Additional Defendant, Rhawn Flange and Machine Company, advising that they will not be filing a response to Quantum's Motion for Summary Judgment.

January 31, 2002

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 31st day of January, 2002, the Motion of Additional Defendant, Quantum Chemical Corporation, is hereby **GRANTED** and Additional Defendant, Quantum Chemical Corporation is hereby **DISMISSED** from this matter with prejudice. Copy forwarded to all parties of record.

January 31, 2002

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 31st day of January, 2002, the Petition for Leave to Withdraw Appearance on behalf of BCM Engineers, Inc. entered by the law firm of Roseberry & Lanctot is hereby **GRANTED**. It is **ORDERED** and **DECREED** that from the exit date of this Order the firm of Roseberry & Lanctot shall no longer represent Additional Defendant, BCM Engineers, Inc. in this matter. " Copy forwarded to all parties of record.

February 6, 2002

Acceptance of Service of Order dated January 31, 2002 received from attorney for Brumbaugh, Inc. Receipt of same acknowledged by attorney for Brumbaugh, Inc. February 4, 2002.

February 8, 2002

Acceptance of Service of Order dated January 31, 1992 received from attorney for Kaufman (John Ledwith, Esquire). Receipt of same acknowledged by attorney for Kaufman February 4, 2002.

February 11, 2002

Acceptance of Service of Orders dated January 31, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 4, 2002.

CLOSED

February 11, 2002

Acceptance of Service of Orders dated January 31, 2002 received from attorney for Additional Defendant, Bras-Maco Construction Company, Inc. Receipt of same acknowledged by attorney for Additional Defendant February 5, 2002.

February 13, 2002

Letter received from Liquidating Trustee in the Bankruptcy proceedings of BCM Engineers, Inc. advising that the debtor, BCM Engineers, Inc. will no be filing an entry of appearance in this case.

March 22, 2002

Motion for Summary Judgment as well as Brief in Support filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant. **Response due from all parties of record April 25, 2002.**

April 8, 2002

Pre-Trial Statement filed by attorney for Additional Defendant, Kaufman Construction Company, filed. Copy forwarded to all parties of record.

April 9, 2002

Pre-Trial Statement filed by attorney for Defendant. Copy forwarded to all parties of record.

April 12, 2002

Pre-Trial Statement filed by attorney for Additional Defendant,

Ross-Araco Corp. Copy forwarded to all parties of record.

April 12, 2002

Pre-Trial Statement filed by attorney for Additional Defendant, Brumbaugh. Copy forwarded to all parties of record.

April 12, 2002

Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to all parties of record.

April 16, 2002

Pre-Trial Statement filed by attorney for Additional Defendant, Rhawn Flange and Machine Company. Copy forwarded to all parties of record.

CLOSED

April 19, 2002

Plaintiff's Reply to Defendant's Motion for Summary Judgment as well as Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 3, 2002

Telephone call received from attorney for Plaintiff advising that the parties have settled this matter and the hearing to start on May 6, 2002 will no longer be necessary.

May 6, 2002

Letter received from attorney for Plaintiff advising that the Plaintiff has settled its claim with Defendant and the Plaintiff will not be pursuing any claims against any of the other parties.

May 7, 2002

Letter received from attorney for Additional Defendant, Kaufman advising that they did not participate in the settlement with Plaintiff and still has an indemnity claim against Ross-Araco however, counsel for Ross-Araco and Kaufman have decided to move into provide binding arbitration.

May 13, 2002

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of May, 2002, it is **ORDERED** and **DECREED** that each party shall bear its own costs and attorneys' fees and that the matter be marked 'settled, discontinued and ended with prejudice. It is so **ORDERED**.'" Copy forwarded to attorney for Plaintiff and attorney

for Defendant.

May 20, 2002

Acceptance of Service of Opinion and Order dated May 13, 2002 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant May 15, 2002.

May 22, 2002

Acceptance of Service of Opinion and Order dated May 13, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 16, 2002.

May 29, 2002

Acceptance of Service of Opinion and Order dated May 13, 2002 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant May 20, 2002.

CLOSED