

Docket Number: 1799

NATIONAL EASTERN CORPORATION

Kenneth W. Lee, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

John J. Robinson, Jr., Chief Claims Attorney
Michael D. Alsher, Assistant Counsel

March 16, 1994

Claim and filing fee filed by Plaintiff. Amount of Claim:
\$466,225.33.

March 28, 1994

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

March 30, 1994

Acceptance of Service of Claim received from attorney for Defendant.
Receipt of same acknowledged by attorney for Defendant March 29,
1994.

CLOSED

Entry of Appearance of Michael A. ... attorney for Defendant.
Copy forwarded to attorney for Plaintiff by attorney for Defendant.

Defendant's Preliminary Objection to Plaintiff's Complaint filed
by attorney for Defendant. Copy forwarded to attorney for Plaintiff
by attorney for Defendant.

May 31, 1994

Memorandum of Law in Support of Defendant's Preliminary Objection
to Plaintiff's Complaint filed by attorney for Defendant. Copy
forwarded to attorney for Plaintiff by attorney for Defendant.

July 15, 1994

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

August 11, 1994

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

September 8, 1994

The Board rendered an Opinion and made the following Order: "AND NOW, this 8th day of September, 1994, the Preliminary Objection of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, in the nature of a Demurrer, raising nonjoinder of a necessary party is DENIED. The Defendant is given thirty (30) days from the exit date of this Order, to file a responsive pleading with the Board of Claims.

September 15, 1994

Acceptance of Service of Opinion and Order dated September 8, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 22, 1994.

October 3, 1994

Acceptance of Service of Claim received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 15, 1994.

October 14, 1994

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

December 1, 1994

Preliminary Objections in the Nature of a Motion to Strike New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 18, 1995

Brief in Support of Preliminary Objections in the Nature of a Motion to Strike New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Defendant.

February 7, 1995

Defendant's Response to Plaintiff's Preliminary Objections to Defendant's New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 7, 1995

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

June 7, 1995

The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of June, after due consideration of the pleadings and other submission it is hereby ORDERED that Plaintiff's Preliminary Objections are GRANTED in part and DENIED in part. Plaintiff is given thirty (30) days from the exit date of this Order to file a reply to the several paragraphs of Defendant's Answer and New Matter as set forth herein above in the Opinion.

CLOSED
June 3, 1995
Acceptance of service of Opinion and Order dated June 7, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 12, 1995.
August 9, 1995

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

January 23, 1997

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

February 21, 1997

Defendant's Interrogatories to Plaintiff - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 8, 1997

Status letter forwarded to parties. Response due 8/8/97.

March 27, 1998

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

March 31, 1998

Status letter forwarded to parties. Response due 4/30/98.

April 13, 1998

Hearing scheduled for January 11, 12, 12, 14, 15, 1998 through 19, 20, 21, 22, 25, 26, 27, 28, 29, 1999, if necessary, in Board's courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA to commence at 9:30 a.m.

December 15, 1998

Letter forwarded to parties advising that the second week of the above trial originally scheduled to begin January 19, 1999 will begin on January 20, 1999, due to the Governor's Inaugural.

December 30, 1998

Defendant's Pretrial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 7, 1999

Plaintiff's Pretrial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 7, 1999

Defendant's Amended Pretrial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 12, 1999

Testimony filed for hearing January 12, 1999.

March 8, 1999

Acceptance of Service of testimony dated February 26, 1999 received by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 3, 1999.

March 11, 1999

Letter received from attorney Plaintiff requesting that the Board schedule the case for trial.

March 19, 1999

Letter received from attorney for Defendant advising that discovery is on going and the Board should not comply with Plaintiff's request to schedule the above-referenced case for trial.

April 1, 1999

Praeipie to Settle and Discontinue filed by attorney for Plaintiff.
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 23, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of April, 1999, upon receipt of a Praeipie to Settle and Discontinue, filed on April 1, 1999, by Kenneth W. Lee, Counsel for Plaintiff, National Eastern Corporation, requesting the Board to 'please mark the above-captioned claim settled and discontinued', it is **ORDERED** and **DIRECTED** that said case be marked 'discontinued, closed and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 29, 1999

Acceptance of Service of Order dated April 23, 1999 received by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 26, 1999.

May 3, 1999

Acceptance of Service of Order dated April 23, 1999 received by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant.
