

Docket Number: 1901

CMC ENVIRONMENTAL HAZARD ABATEMENT, INC.

Michael Garfield, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~Michael J. Daley, Chief Counsel~~  
Elizabeth A. O'Reilly, Assistant Counsel

VS.

STV ARCHITECTS, INC.

David L. Allebach, Jr., Esquire

**February 21, 1995**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$41,829.52+.

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**March 9, 1995**

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

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**March 14, 1995**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 13, 1995.

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**April 10, 1995**

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

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**April 20, 1995**

Interrogatories of Defendant, directed to Plaintiff, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 5, 1995**

Interrogatories of Plaintiff Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 28, 1995**

Answers to Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 19, 1995**

Motion for Leave to Join STV Architects, Inc., as an Additional Respondent in Docket No. 1901 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for proposed Additional Respondent.

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**October 18, 1995**

Entry of Appearance of David L. Allebach, Jr., Esquire, on behalf of Proposed Additional Defendant (STV Architects, Inc.) filed by attorney for Proposed Additional Defendant. Copy forwarded to all attorneys of record by attorney for Proposed Additional Defendant.

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**October 18, 1995**

Answer to Motion for Leave to Join STV Architects, Inc. as an Additional Respondent in Docket No. 1901 filed by attorney for Proposed Additional Defendant (STV Architects). Copy forwarded to all attorney s of record by attorney for Proposed Additional Defendant.

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**March 5, 1996**

Commonwealth's Brief in Support of the Motion to Join STV Architects, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 14, 1996**

Brief of STV Architects, Inc., in Opposition to DGS' Motion to Join STV Architects as an Additional Defendant, filed by attorney for Proposed Additional Defendant (STV Architects). Copy forwarded to all attorney s of record by attorney for Proposed Additional Defendant.

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**\* April 9, 1996**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 9th day of April, 1996, the Motion of the Respondent, Commonwealth of Pennsylvania, Department of General Services, to join STV Architects, Inc., as an Additional Respondent to Docket No. 1901 is hereby **GRANTED**. The new caption of this case will read as follows: CMC ENVIRONMENTAL HAZARD ABATEMENT, INC. VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES VS. STV ARCHITECTS, INC., DOCKET NO. 1901. The Additional Respondent is given thirty (30) days from the exit date of this Order to file responsive pleadings." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Respondent.

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**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 10, 1996.

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**April 17, 1996**

Acceptance of Service of Opinion and Order dated April 9, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 10, 1996.

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**May 8, 1996**

Answer of Additional Respondent, STV Architects, Inc. filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

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**July 3, 1996**

Interrogatories of Defendant, Department of General Services, directed to STV Architects, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

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**October 15, 1996**

Notice of service of Interrogatories filed by attorney for Additional Defendant.

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**May 20, 1997**

Defendant's Response to STV Architects Interrogatories filed by attorney for Defendant. Copy forwarded to parties by attorney for Defendant.

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**November 25, 1997**

Letter forwarded to parties requesting a Status Report. **STATUS REPORT DUE ON OR BEFORE DECEMBER 29, 1997.**

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**December 15, 1997**

Letter received from attorney for Plaintiff advising that they are ready to proceed to trial with this matter. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 20, 1998**

Hearing scheduled for October 13, 14, 15 & 16, 1998 as well as October 19, 20, 21, 22 and 23, 1998, in Board's Courtroom No. 1, Fulton Building, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

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**October 9, 1998**

Commonwealth of Pennsylvania, Department of General Services, Pre-Trial Statement filed by attorney for Defendant.

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**October 13, 1998**

Telephone call received from attorney for Defendant advising that this case has settled.

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**October 30, 1998**

Stipulation for Entry of Judgment, and Proposed Order, executed by parties, filed by parties.

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**November 6, 1998**

The Board made the following Order: "**AND NOW**, this 6th day of November, 1998, based on the Stipulation for Entry of Judgment entered into by the parties hereto, it is hereby **ORDERED** that judgment be entered in favor of the Plaintiff in the amount of Forty Thousand Dollars and No Cents (\$40,000.00). It is further **ORDERED** that should Defendant fail to provide the settlement funds to Plaintiff on or before November 12, 1998, interest shall start accruing thereon at the legal rate of six percent (6%) per annum until paid. Upon receipt of said award, 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." Copies forwarded to all counsel of record.

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**November 12, 1998**

Acceptance of Service of Order dated November 6, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 9, 1998.

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**November 16, 1998**

Acceptance of Service of Order dated November 6, 1998 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant November 9, 1998.

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**January 11, 1999**

Acceptance of Service of Order dated November 6, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 9, 1998.

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**June 11, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of June, 1999, a Rule to Show Cause is issued upon Plaintiff, CMC Environmental Hazard Abatement, Inc., wherein it is **DIRECTED** that Plaintiff file with the Board a Praecipe to mark the case settled, discontinued and ended with prejudice. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to all parties of record.

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**June 15, 1999**

Acceptance of Service of Opinion and Order dated June 11, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 15, 1999.

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**June 15, 1999**

Acceptance of Service of Opinion and Order dated June 11, 1999 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant June 14, 1999.

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**June 24, 1999**

Acceptance of Service of Opinion and Order dated June 11, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 14, 1999.

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**August 16, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 16th day of August, 1999, this Order is issued as a result of the failure of Plaintiff, CMC Environmental Hazard Abatement, Inc., to file with the Board of Claims, within thirty (30) days from June 11, 1999, a response to the Rule to Show Cause, advising whether or not Plaintiff received the sum of money directed in the Board's Order dated November 6, 1998. Therefore, it is **DIRECTED** that the Rule of June 11, 1999, be made **ABSOLUTE** and the record be marked "closed and discontinued with prejudice". Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 25, 1999**

Acceptance of Service of Opinion and Order dated August 16, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 19, 1999.

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**August 27, 1999**

Acceptance of Service of Opinion and Order dated August 16, 1999 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant August 19, 1999.

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**August 30, 1999**

Acceptance of Service of Opinion and Order dated August 16, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 18, 1999.

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**CLOSED**