

Docket Number: 1936

ENVIROTEST SYSTEMS CORPORATION and ENVIROTEST TECHNOLOGIES, INC.,
trading as ENVIROTEST PARTNERS, a general partnership

Victor P. Stabile, Esquire
Bruce W. Kauffman, Esquire
J. Bradford McIlvain, Esquire,

CLOSED
U.S.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

John J. Robinson, Jr., Chief Claims Attorney
James Kutz, Esquire

May 10, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim:\$350,000,000.00.

May 17, 1995

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

May 25, 1995

Acceptance of Service of Claim received from attorney for defendant. Receipt of same acknowledged by attorney for Defendant May 22, 1995.

May 25, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 17, 1995.

May 25, 1995

Proposed Order, Joint Stipulation and Joint Motion to Extend Time and Stay Proceedings filed by attorney for Defendant executed by Plaintiff and Defendant.

June 21, 1995

The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of June, 1995, it is ORDERED AND DECREED that the Joint Stipulation and Motion to Extend Time and Stay Proceedings is hereby GRANTED. It is further ordered that: 1. All further proceedings in this action are stayed. 2. The stay shall terminate only upon the occurrence of one of the following: (a) seven days after Envirotest delivers written notice to Defendants and the Board of and intent to terminate the stay; (b) seven days after Defendants deliver written notice to Envirotest and the Board of an intent to terminate the stay; or © an order of the Board terminates the stay. 3. Upon termination of the stay, Envirotest shall have 30 days thereafter to amend the Complaint without leave of the Board, and without objection by the Defendants on the grounds of the timeliness of any such amendment or the adequacy or specificity of the original Complaint, or to notify the Defendants that they do not intend to amend the Complaint at this time. 4. Upon termination of the stay, Defendants shall have 60 days thereafter to answer or otherwise respond to the Complaint. 5. During the Pendency of the stay, the parties shall retain all of their respective rights, defenses, and claims under any agreements

June 21, 1995 (cont'd)

executed between or among the parties and under the applicable law such that, upon termination of the stay, this proceedings shall recommence as though no time had passed and no stay had been entered."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 27, 1995

Acceptance of Service of Opinion and Order dated June 21, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 26, 1995.

June 28, 1995

Acceptance of Service of Opinion and Order dated June 21, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 26, 1995.

December 18, 1995

Joint Notice of Settlement and Motion to Dismiss and Discontinue with Prejudice filed by attorney for Plaintiff and Defendant.

December 18, 1995

The Board rendered an Opinion and made the following Order: "AND NOW, this 18th day of December, 1995, the parties having filed a Joint Notice of Settlement and Motion to Dismiss and Discontinue with Prejudice, the Motion is granted. And it is ORDERED AND DECREED that this case be marked dismissed, settled and discontinued with prejudice. Each party to bear its own costs and attorneys' fees."

Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 4, 1996

General Release and Settlement Agreement filed.

July 28, 1998

Acceptance of Service of Opinion and Order dated July 20, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 22, 1998.