

Docket Number: 1994

AMERICAN ASPHALT

Richard A. Scott, Secretary/Comptroller

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION**

~~John J. Robinson, Esquire~~

Cheryl L. Kovaly, Assistant Counsel

September 20, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$6,330.80

September 26, 1995

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT OCTOBER 26, 1995.

October 3, 1995

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 28, 1995.

October 5, 1995

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

October 6, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 3, 1995.

October 20, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of October, 1995, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is indebted unto the Plaintiff, American Asphalt Co., in the full and true sum of Five Thousand Six Hundred Thirty-Three Dollars (\$5,633.00). 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." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 26, 1995

Acceptance of Service of Opinion and Order dated October 20, 1995 received from Plaintiff. Receipt of same acknowledged by Plaintiff October 25, 1995.

March 22, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of March, 1996, a Rule to Show Cause is issued upon Plaintiff, American Asphalt Paving Co., 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.

June 25, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of June, 1996, this Order is issued as a result of the failure of Plaintiff, American Asphalt Paving Co., to file with the Board of Claims, within thirty (30) days, a Receipt or other justifiable response. It is therefore, **DIRECTED** that the Rule of March 22, 1996, be made **ABSOLUTE** and the case be marked 'closed and settled with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 3, 1996

Acceptance of Service of Opinion and Order dated June 25, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 27, 1996.
