

Docket Number: 2032

I.J. CHUNG ASSOCIATES

~~Injoon John Chung, A.I.A~~  
~~Stanley Makoroff, Esquire~~  
Ira C. Houck, Jr., Esquire

VS.  
**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

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

**\*November 13, 1995**

Claim and filing fee filed by Plaintiff. Amount of Claim:  
\$143,493.35

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**November 28, 1995**

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

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**December 6, 1995**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 1, 1995.

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December 28, 1995  
Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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January 23, 1996  
**CLOSED**  
"Objections to Defendant's Complaint" filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

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**March 19, 1996**

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

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**April 4, 1996**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 4th day of April, 1996, after review of the submissions of the parties hereto and due consideration of the same, the Board of Claims recognizes that Plaintiff may have a timely and justiciable claim and further that Defendant may have a nullifying defense. **THEREFORE**, it is **ORDERED** that to promote the administration of justice, the Plaintiff, I.J. Chung Associates, is granted the right to file an Amended New Complaint, on Motion, by this Board, raised sua sponte; provided, however, that such Amended New Complaint and succeeding pleadings of the Plaintiff are filed by counsel with such knowledge and understanding of the Pennsylvania Rules of Civil Procedure, as is requisite in the matter before the Board. Plaintiff is given thirty (30) days to file such Complaint. In the event that the parties do not follow the Orders and directions of the Board, the Board will issue such sanctions as it deems necessary under the extant circumstances." Copies forwarded to Plaintiff and attorney for Defendant.

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**April 11, 1996**

Acceptance of Service of Opinion and Order dated April 4, 1996 received from Plaintiff. Receipt of same acknowledged by Plaintiff April 8, 1996.

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**April 30, 1996**

Unopposed Motion for Extension of Time (for Plaintiff to file an Amended Complaint) filed by attorney for Plaintiff (Amy Putnam, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 3, 1996**

**CLOSED**

The Board made the following Order: **AND NOW**, this 3rd day of May, 1996 after review of the Unopposed Motion for Extension of Time to file an Amended Complaint filed by Plaintiff, I.J. Chung Associates, it is hereby **ORDERED** that said motion is **GRANTED**, and Plaintiff, I.J. Chung Associates is granted the right to file an Amended New Complaint on or before June 6, 1996; provided, however, that such Amended New Complaint and succeeding pleadings of the Plaintiff are filed by counsel with such knowledge and understanding of the Plaintiff Rules of Civil Procedure as is requisite in the matter before the Board." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 3, 1996**

Acceptance of Service of Opinion and Order dated April 4, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 5, 1996.

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**May 13, 1996**

Petition of Pennsylvania Minority Business Development Authority to Intervene, filed by Petitioner for Intervention (PMBDA).

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**May 17, 1996**

Acceptance of Service of Order dated May 3, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 14, 1996.

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**May 20, 1996**

Acceptance of Service of Order dated May 3, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 3, 1996.

**\*June 3, 1996**

Amended New Complaint filed by Plaintiff. Amount of Claim: \$162,062.00. Copy forwarded to attorney for Defendant by Plaintiff.

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**June 14, 1996**

Brief of Department of Commerce, Pennsylvania Minority Business Development Authority in Support of its Petition to Intervene filed by attorney for PMBDA. Copy forwarded to Plaintiff and attorney for Defendant.

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**June 19, 1996**

Commonwealth of Pennsylvania, Department of General Services' Response to Petition to Intervene filed by attorney for Defendant. Copy forwarded to Plaintiff and attorney for Petitioner to Intervene by attorney for Defendant.

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**CLOSED**

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**June 20, 1996**

Preliminary Objections to Plaintiff's Amended Complaint filed by attorney for Defendant. Copy forwarded to Plaintiff and attorney for Petitioner to Intervene by attorney for Defendant.

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**June 25, 1996**

Commonwealth's Brief in Support of Its Preliminary Objections to Plaintiff's Amended Complaint filed by attorney for Defendant. Copy forwarded to Plaintiff and attorney for Petitioner to Intervene by attorney for Defendant.

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**July 2, 1996**

I.J. Chung Associate's "Response as Rejection to the Petition to Intervene" filed by Plaintiff **via facsimile**. Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 3, 1996**

I.J. Chung Associate's "Response as Rejection to the Petition to Intervene" filed by Plaintiff **via U.S. Mail**. Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 3, 1996**

I.J. Chung Associate's "Brief in I.J. Chung Associates Response as Denial of the Petition to Intervene" filed by Plaintiff **via facsimile**.

Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 5, 1996**

I.J. Chung Associate's "Brief in I.J. Chung Associates Response as Denial of the Petition to Intervene" filed by Plaintiff **via U.S. Mail**. Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 5, 1996**

I.J. Chung Associates' Brief in Opposition to DGS' Preliminary Objections filed by Plaintiff **via facsimile**. Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 8, 1996**

I.J. Chung Associates' Brief in Opposition to DGS' Preliminary Objections filed by Plaintiff **via U.S. Mail**. Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 9, 1996**

I.J. Chung Associates **SECOND**, "Brief in Opposition to DGS' Preliminary Objections" filed by Plaintiff **via facsimile**. Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 10, 1996**

I.J. Chung Associates **SECOND**, "Brief in Opposition to DGS' Preliminary Objections" filed by Plaintiff **via U.S. Mail**. Copy forwarded to attorney for Defendant and attorney for Intervenor by Plaintiff.

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**July 11, 1996**

Letter/Response to Plaintiff's "Response as Rejection to the Petition to Intervene" advising that PMBDA **does not** wish to withdraw its Petition to Intervene, filed by attorney for Intervenor. Copy forwarded to Plaintiff and attorney for Defendant by attorney for Intervenor.

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**July 15, 1996**

"Draft" copy of an "Agreement to Settle and Discontinue", signed **only** by the Plaintiff, filed by Plaintiff.

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**July 26, 1996**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of July, 1996, after due consideration of the Plaintiff's Complaint, the Defendant's Preliminary Objections and the various submissions of both parties, it is hereby **ORDERED** that Paragraph 5 and 14, and Exhibit 13 of the Plaintiff's Complaint, are **STRICKEN** from the record as impertinent and irrelevant. All other requests set forth in such Preliminary Objections are **DENIED**."

Defendant is directed to file an Answer or other response to Plaintiff's Complaint within thirty (30) days from the entry date of this Order." Copies forwarded to Plaintiff, attorney for Defendant and attorney for Petitioner for Intervention.

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**July 26, 1996**

The Board rendered a Summary Opinion and made the following Order: "The Petition to Intervene filed by the Pennsylvania Minority Business Development Authority is hereby **DENIED**." Copies forwarded to Plaintiff, attorney for Defendant and attorney for Petitioner for Intervention.

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**August 2, 1996**

Acceptance of Service of two Opinion and Orders dated July 26, 1996 received from attorney for Petitioner to Intervene. Receipt of same acknowledged by attorney for Petitioner to Intervene July 31, 1996.

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**August 7, 1996**

Acceptance of Service of two Opinion and Orders dated July 26, 1996 received from Plaintiff. Receipt of same acknowledged by Plaintiff August 2, 1996.

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**August 15, 1996**

Acceptance of Service of two Opinion and Orders dated July 26, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 29, 1996.

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**August 23, 1996**

Commonwealth of Pennsylvania, Department of General Services' Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 13, 1996**

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

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**October 9, 1996**

I. J. Chung Associates' Interrogatories and Request for Documents filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

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**October 15, 1996**

Interrogatories of Respondent, Commonwealth of Pennsylvania, Department of General Services, Addressed to Plaintiff, I.J. Chung Associates filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

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**October 15, 1996**

Request for Production of Documents by Respondent, Commonwealth of Pennsylvania, Department of General Services, Addressed to I.J. Chung Associates filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

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**November 5, 1996**

Commonwealth's Motion to Compel Answers to Interrogatories filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

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**November 6, 1996**

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

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**November 22, 1996**

Final Response to DGS' Motion to Compel Answers to Interrogatories filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

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**February 11, 1997**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 11th day of February, 1997, after due consideration of the Motion to Compel and the Answer thereto, it is hereby **ORDERED** that the pleadings in the instant matter are closed and the case is hereby set down for hearing at the early convenience of the Board of Claims, which is March 19, 20 and 21, 1997, in Board's Courtroom No. 2, Sixth Floor, Fulton Bank Building, Harrisburg, PA, commencing at 9:30 a.m.

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**March 7, 1997**

Acceptance of Service of Order dated February 11, 1997 received from Plaintiff. Receipt of same acknowledged by Plaintiff February 20, 1997.

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**March 9, 1997**

Hearing held this date in Board's Courtroom No. 2, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 am.

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**March 20, 1997**

Hearing held this date in Board's Courtroom No. 2, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 am. Case completed.

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**April 1, 1997**

Acceptance of Service of Opinion and Order dated February 11, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 12, 1997.

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**April 16, 1997**

Testimony of Panel Hearing held March 19 and 20, 1997 filed.

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**April 22, 1997**

Copy of testimony of Panel Hearing held March 19 and 20, 1997 forwarded to attorney for Defendant.

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**April 22, 1997**

Letter forwarded to parties setting briefing schedule. **Plaintiff's Findings, etc. due May 22, 1997 - Defendant's Findings, etc. due June 23, 1997.**

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**April 24, 1997**

Acceptance of Service of testimony of Panel Hearing held March 19 and 20, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 22, 1997.

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**May 15, 1997**

Letter received from Plaintiff, via facsimile, requesting until June 12, 1997, in which to file its Findings of Fact, Conclusions of Law and Brief.

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**May 16, 1997**

Letter forwarded to Plaintiff, with copy to attorney for Defendant, granting Plaintiff's request for an extension of time to file its Findings of Fact, Conclusions of Law and Brief. **Plaintiff's Findings of Fact, etc. now due on or before 6/12/97.**

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**June 3, 1997**

Plaintiff's Findings of Fact, Conclusions of Law and Brief filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

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**July 14, 1997**

Letter received from attorney for Defendant, via fax, requesting an extension of time until August 1, 1997 in which to file Defendant's Findings of Fact and Conclusions of Law. Copy forwarded to Plaintiff by attorney for Defendant.

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**July 15, 1997**

Letter forwarded to attorney for Defendant, with copy to Plaintiff, granting extension of time until August 1, 1997, in which to file Defendant's Findings of Fact and Conclusions of Law. **Defendant's Findings of Fact, etc., now due on or before 8/1/97.**

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**July 28, 1997**

Commonwealth of Pennsylvania, Department of General Services' Proposed Findings of Fact, Conclusions of Law and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 11, 1997**

Central District Panel Report filed.

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**January 8, 1998**

Letter received from new counsel for Plaintiff, Ira C. Houck, Jr., Esquire, advising that Mr. Chung told him that he has received no information regarding disposition of this action since the filing of the Amended New Complaint. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 14, 1998**

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, confirming his conversation, via telephone, with Mr. McLaughlin and advising him to feel free to come to our Harrisburg Office to review all the dockets.

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**CLOSED**

February 13, 1998

The Board rendered an Opinion and made the Final Order: "AND NOW, this 13th day of February, 1998, this Board finds in favor of the Defendant, Commonwealth of Pennsylvania Department of General Services, and against the Claimant, I.J. Chung Associates. Each party to bear its own costs and attorney's fees." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 23, 1998**

Acceptance of Service of Opinion and Order dated February 13, 1998 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 20, 1998.

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**March 16, 1998**

Copy of Petition for Review, as filed in Commonwealth Court, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 18, 1998**

Petition for Review received from Commonwealth Court. [0748 C.D. 1998].

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**March 30, 1998**

Acceptance of Service of Final Opinion and Order dated February 13, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 17, 1998.

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**April 3, 1998**

Filed transmitted to Commonwealth Court.

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**May 4, 1998**

Copy of Order received from Commonwealth Court granting Plaintiff's Motion for Extension of Time for Plaintiff to file its briefs and reproduced record until July 27, 1998.

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**July 28, 1998**

Copy of Order received from Commonwealth Court granting Plaintiff's Motion for Extension of Time for Plaintiff to file its briefs and reproduced record until September 28, 1998.

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**October 28, 1998**

Courtesy Copy of Argument Schedule received from Commonwealth Court, advising that the matter is scheduled to be argued before a panel of Judges on Thursday, December 10, 1998 at 9:30 a.m.

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**November 9, 1998**

Courtesy Copy of Order from Commonwealth Court relative to Respondent's Application to Strike Petitioner's Answer to the Application filed.

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**January 28, 1999**

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, this 27th day of January, 1999, the order of the Board of Claims in the above-captioned matter is affirmed."

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**April 5, 1999**

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, March 30, 1999, having considered petitioner's application for reargument and respondent's answer in opposition, the application is denied."

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**September 10, 1999**

Copy of Order received from Supreme Court. Order as follows: "AND NOW, this 2nd day of August, 1999, the Petition for Allowance of Appeal is DENIED."

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**September 10, 1999**

Some Exhibits, which were inadvertently sent to Department of General Services from Commonwealth Court, received from the Department of General Services. Per Commonwealth Court, the original file was lost by UPS so same will not be forwarded back to the Board of Claims.

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