

Docket Number: 2118

NEW ENTERPRISE STONE & LIME COMPANY, INC.

Kenneth L. Sable, Esquire  
Matthew Chabal III, Esquire

VS.  
**CLOSED**  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

John J. Robinson, Jr., Assistant Chief Counsel  
Gerald R. Schultz, Assistant Counsel

**May 29, 1996**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$263,438.40.

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**June 5, 1996**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 7-5-96.

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**June 11, 1996**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledge by Chief Deputy Attorney General June 11, 1996.

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**June 18, 1996**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 18, 1996.

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**June 27, 1996**

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

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**July 18, 1996**

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

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**July 26, 1996**

Letter forwarded to attorney for Plaintiff requesting a Reply to New Matter. Response due from Plaintiff 8-26-96.

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**August 12, 1996**

Exhibits "A", "B", and "C" to Defendant's Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 21, 1996**

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

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**April 29, 1997**

Plaintiff New Enterprise Stone & Lime Company, Inc.'s Responses to Defendant's Requests for Admission (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 30, 1997**

Letter forwarded to Defendant advising that the Board no longer accepts Discovery.

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**April 17, 1998**

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

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**July 22, 1998**

Status letter forwarded to parties. RESPONSE DUE 8/24/98

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**August 27, 1998**

Letter received from attorney for Defendant advising that the parties are still in the discovery phase of the litigation.

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**February 10, 1999**

Certificate of Service of Plaintiff's Interrogatories Directed towards Defendant -- First Set filed by Kenneth L. Sable, Esquire as counsel for Plaintiff served upon Defendant.

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**March 18, 1999**

Letter forwarded to attorney for Plaintiff and Defendant. RESPONSE DUE 4/19/99.

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**April 13, 1999**

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

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**November 16, 1999**

Letter received from attorney for Defendant advising that this case is in the discovery phase of litigation.

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**August 23, 2000**

Letter forwarded to parties requesting a status. DUE 9/23/00.

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**September 22, 2000**

Letter received from attorney for Plaintiff advising that both parties have concluded their discovery phase of litigation and will request a hearing. However, the parties are attempting to resolve all outstanding matters and will inform the Board of the results within the next sixty (60) days.

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**September 29, 2000**

Letter received from attorney for Defendant advising that they have completed discovery and the parties are involved in settlement.

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**May 18, 2001**

Letter forwarded to parties requesting a status. DUE 6/18/01.

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**August 30, 2001**

Letter forwarded to parties requesting a status report. Due 10/1/01.

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**September 17, 2001**

Letter/Praecipe advising that the parties have reached a settlement in the above case filed by attorney for Plaintiff.

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**September 24, 2001**

The Board made the following order: AND NOW, this 24th day of September, 2001, upon receipt of Letter/Praecipe, requesting the Board to "mark the case settled with prejudice", executed by Kenneth L. Sable, Esquire, on behalf of New Enterprise Stone & Lime Company, Inc., and docketed with this Board under date of September 17, 2001, it is **ORDERED** and **DIRECTED** that said case be marked "closed, ended and discontinued with prejudice". Copies forwarded to attorney for Plaintiff and Defendant.

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**September 27, 2001**

Acceptance of Service of Order dated September 24, 2001, received from attorney Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 26, 2001.

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**October 2, 2001**

Acceptance of Service of Order dated September 24, 2001, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 1, 2001.

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