

Docket Number: 2438

JAMES D. MORRISSEY, INC.
to the use and benefit of
GALLAGHER & ASSOCIATES, INC.

Joseph P. Ryan, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

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

***May 12, 1997**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$189,193.24+.

May 13, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 6/11/97.**

***May 14, 1997**

Amended Complaint filed by attorney for Plaintiff. Amount of Amended Complaint: \$202,928.70.

May 20, 1997

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 14, 1997.

May 20, 1997

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 15, 1997.

May 23, 1997

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

June 5, 1997

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 27, 1997.

June 20, 1997

Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

Defendant's Brief due 7/21/97.

Plaintiff's Response and Brief due 8/11/97.

July 17, 1997

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

August 14, 1997

Plaintiff's Reply to Defendant's Preliminary Objections and Brief in Support thereof filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 11, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of December, 1997, upon consideration of Defendant's Preliminary Objections and Plaintiff's Response thereto, it is hereby **ORDERED** that the Preliminary Objections are **OVERRULED** and the Motions to Strike and to Dismiss are **DENIED**. Defendant is granted thirty (30) days from the exit date of this Order to file its response to the Amended Complaint. Copies forwarded to attorney for Plaintiff and attorney for Defendant."

December 17, 1997

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

December 17, 1997

Acceptance of Service of Opinion and Order dated December 11, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 15, 1997.

January 6, 1998

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

January 14, 1998

Letter/Notice of Service of Defendant's Interrogatories to Plaintiff - First Set filed by attorney for Defendant.

January 14, 1998

Letter/Notice of Service of Defendant's First Request for the Production of Documents filed by attorney for Defendant.

February 24, 1998

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

March 6, 1998

Letter forwarded to both parties of record directing them to proceed with discovery.

July 17, 1998

Defendant's Motion for Protective Order Pursuant to R.C.P. 4012 and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 27, 1998

Proposed Order, Claimant's Answer to Defendant's Motion for Protective Order Pursuant to Pa. R.C.P. 4012 as well as Memorandum of Law in Opposition, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 1, 1998

The Board made the following Order: "AND NOW, this 21st day of August, 1998, upon consideration of Defendant's Motion for Protective Order regarding Claimant's First Set of Interrogatories and Claimant's Response thereto, it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED** based upon Board of Claims Rule of Procedure 403(a). Claimant is permitted to file a motion pursuant to Board of Claims Rule of Procedure 403(b) to request allowance to exceed the sixty (60) interrogatory limit, or, in the alternative, Claimant may revise the set of interrogatories in accordance with the rules." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 27, 1998

Acceptance of Service of Order dated August 21, 1998, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 24, 1998.

September 8, 1998

Acceptance of Service of Order dated August 21, 1998, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 2, 1998.

December 8, 1998

Notice of Service of Defendant's Second Request for the Production of Documents filed by attorney for Defendant.

December 29, 1998

Notice of Service of Defendant's Response to Claimants' First Set of Interrogatories and Request for Production of Documents Addressed to Defendant Commonwealth Department of Transportation filed by attorney for Defendant.

June 4, 1999

The Board rendered the following Order: "AND NOW, this 4th day of June, 1999, it is ORDERED and DECREED that this matter be set to be heard by a panel, consisting of Frederick D. Giles, Esquire, and Howard G. Minniler, P.E., beginning on July 13, 1999 in Courtroom No. 2. The hearing shall thereafter continue on July 14 and 15, 1999, if necessary. It is further ORDERED and DECREED that all discovery heretofore shall be completed no later than June 23, 1999."

June 4, 1999

Eastern Panel Hearing scheduled for July 13, 14 and 15, 1999 in Board's Courtroom No. 2, 6th Floor, Fulton Bank Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

June 14, 1999

Defendant's Pre-Trial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 14, 1999

Supplemental Response to Claimant's First Set of Interrogatories and Request for Production of Documents Addressed to Defendant Commonwealth Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 17, 1999

Acceptance of Service of Order dated June 4, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 10, 1999.

July 8, 1999

Hearing scheduled for July 13, 14 and 15, 1999 cancelled due to settlement.

July 8, 1999

Agreement and Release filed by attorney Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 29, 1999

Letter forwarded to parties requesting a status. Status Now Due 11/30/99.

September 12, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of September, 2000, a Rule to Show Cause is issued upon Plaintiff, James L. Morrissey, Inc., to the use of Gallagher & Associates, Inc., wherein it is **DIRECTED** that Plaintiff file with the Board of Claims, within thirty (30) days from the exact date of this Order, a praecipe requesting the matter be marked 'settled', with prejudice, upon the record. 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 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.
