

Docket Number: 2453

SWARTZ WELDING, INC.

C. Grainger Bowman, Esquire  
Michael W. Winfield, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS

~~Sarah B. Vanderbraak, Chief Counsel~~  
~~Raymond W. Dorian, Assistant Counsel~~

**June 6, 1997**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$639,752.00+.

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**June 13, 1997**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 7/14/97.**

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**June 18, 1997**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 16, 1997.

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**June 27, 1997**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 27, 1997.

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**June 27, 1997**

Praecipe for Entry of Appearance of Raymond W. Dorian, Esquire, attorney for Defendant, filed. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 14, 1997**

Proposed Order as well as Motion for Extension of Time to Answer Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 24, 1997**

The Board made the following Order: "**AND NOW**, this 24th day of July, 1997, upon consideration of the Defendant's Motion for Extension of Time to Answer Complaint, it is hereby **ORDERED** that the Motion is **GRANTED** and the Defendant has thirty days from the date hereof to file a response to the Complaint filed by the Claimant." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 4, 1997**

Acceptance of Service of Order dated July 24, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 31, 1997.

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**August 6, 1997**

Acceptance of Service of Order dated July 24, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 5, 1997.

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**August 22, 1997**

Defendant's Motion for Extension of Time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 2, 1997**

The Board made the following Order: "AND NOW, this 2nd day of September 1997, upon consideration of the Defendant's Motion for Extension of Time, it is hereby ORDERED that the Motion is granted and the Defendant shall respond or otherwise plead to the Complaint filed by the Claimant within thirty (30) days from the date hereof." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 5, 1997**

Acceptance of Service of Order dated September 2, 1997, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 4, 1997.

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**September 10, 1997**

Acceptance of Service of Order dated September 2, 1997, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 8, 1997.

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**October 2, 1997**

Proposed Order as well as Defendant's Motion for Extension of Time filed by attorney for Defendant, via Fax. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 3, 1997**

Proposed Order as well as Defendant's Motion for Extension of Time filed by attorney for Defendant, via mail. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 7, 1997**

The Board made the following Order: "AND NOW, this 7th day of October, 1997, upon consideration of the Defendant's Motion for Extension of Time, it is hereby ORDERED that the Motion is granted and the Defendant shall respond or otherwise plead to the Complaint filed by the Plaintiff within seven (7) days from the date hereof."

Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 9, 1997**

Acceptance of Service of Order dated October 7, 1997, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 8, 1997.

**CLOSED**

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

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**October 17, 1997**

Praecipe to Substitute filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 31, 1997**

Acceptance of Service of Order dated October 7, 1997, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 29, 1997.

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**January 15, 1998**

Status letter forwarded to the parties.

**Response due 2/16/98.**

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**February 10, 1998**

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

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**February 13, 1998**

Letter received from attorney for Defendant advising that Defendant is still awaiting a response from Plaintiff to discovery.

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**February 18, 1998**

Letter forwarded to the parties directing them to proceed with discovery.

**September 2, 1998**

Letter forwarded to the parties requesting a status report.  
**Response due 10/2/98.**

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**October 5, 1998**

Letter received from attorney for Defendant advising that discovery is continuing in this case.

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**October 14, 1998**

Letter received from attorney for Plaintiff advising that the parties are attempting to scheduled depositions.

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**November 25, 1998**

Entry of Appearance of Michael J. Winfield, Esquire, attorney for Plaintiff, filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 9, 1998**

Hearing scheduled for June 7, 8, 9, 10 and 11, 1999, in Board's Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m. **Pre-Trial Statements due May 7, 1999.**

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**February 16, 1999**

Plaintiff's Motion to Determine Insufficiency of Defendant's Answers to Interrogatories and to Compel More Specific and Complete Responses Pursuant to Pa.R.Civ.P. No. 4019, Brief in Support and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 18, 1999**

Letter forwarded to Defendant requesting Response and Brief to Plaintiff's Motion to Determine Insufficiency of Defendant's Answers to Interrogatories and to Compel More Specific and Complete Responses Pursuant to Pa.R.Civ.P. No. 4019, Brief in Support. Response and Brief due March 19, 1999.

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**March 12, 1999**

Defendant's Motion for Protective Order, Brief in Support and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 18, 1999**

Answer to Plaintiff's Motion to Determine Insufficiency of Defendant's Answer to Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 19, 1999**

Plaintiff's Swartz Welding, Inc.'s Response to Defendant's Motion for Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 13, 1999**

**CLOSED**

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of April, 1999, upon consideration of the Motion to Determine the Insufficiency of Defendant's Answers to Interrogatories, and to Compel More Complete Responses filed by the Plaintiff and opposed by the Defendant, it is hereby **ORDERED** that the Motion is **DENIED** and Defendant is **ORDERED** to provide complete answers to Interrogatories 3, 4, 5, 6, 7, 8, 9 and 10 and a verification for all answers by April 30, 1999. **FURTHER**, upon consideration of Defendant's Motion for a Protective Order and Plaintiff's opposition thereto, it is hereby **ORDERED** that the Motion is **DENIED** and the deposition of Martin F. Horn may be taken at the parties' earliest convenience." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 15, 1999**

Acceptance of Service of Opinion and Order dated April 13, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 14, 1999.

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**April 15, 1999**

Acceptance of Service of Opinion and Order dated April 13, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 15, 1999.

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**April 27, 1999**

Defendant's Unopposed Motion for Extension of Time to Answer Interrogatories filed by attorney for Defendant.

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**April 29, 1999**

The Board rendered the following Order: "AND NOW, this 29th day of April, 1999, upon consideration of the Defendant's Unopposed Motion for Extension of Time to Answer Interrogatories, it is hereby **ORDERED** that the Motion is **GRANTED** and the Defendant's obligation to serve full and complete answers to Plaintiff's interrogatories is postponed indefinitely in light of the recent settlement between the parties." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 4, 1999**

Acceptance of Service of Order dated April 29, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 2, 1999.

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**May 19, 1999**

Acceptance of Service of Order dated April 29, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 4, 1999.

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**May 5, 1999**

Status letter received from attorney for Plaintiff advising that the parties have stipulated to settlement and upon fully executing the Agreement, Plaintiff will file a copy of same along with a Praecipe to Settle, Discontinue and End. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 13, 1999**

Hearing cancelled for June 7, 8, 9, 10 and 11, 1999, in Board's Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m. due to settlement.

**Parties to file a status report on/or before June 17, 1999.**

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**May 18, 1999**

Stipulation to Dismiss with Prejudice filed by all parties of record.

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**May 26, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of May, 1999, it is **ORDERED** and **DECREED** that this matter be dismissed with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**June 1, 1999**

Acceptance of Service of Opinion and Order dated May 26, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 28, 1999.

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**June 2, 1999**

Acceptance of Service of Opinion and Order dated May 26, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 1, 1999.

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**CLOSED**