

Docket Number: 3391

EASTERN LAND MANAGEMENT CORPORATION

Ralph A. Lucci, President
Michelle J. Manning, Vice President
John W. Pollins, III, Esquire

CLOSED

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

Gerald R. Schultz, Assistant Counsel
Christopher F. Wilson, Assistant Counsel

April 23, 2001

Claim and filing fee filed by Plaintiff. Amount of Claim: \$7,057.50.

May 2, 2001

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 6/1/01.

May 9, 2001

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 3, 2001.

June 8, 2001

Preliminary Objections of Defendant, Commonwealth of Pennsylvania, Department of Transportation and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 15, 2001

Letter received from Plaintiff advising they are objecting to Defendant's letter of June 8, 2001.

October 4, 2001

The Board rendered an Opinion and made the following Order: **"AND NOW, this 4th day of October, 2001, it is hereby ORDERED and DECREED that the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, to the Complaint of the Plaintiff, Eastern Land Management Corporation, are hereby DISMISSED. Defendant shall file pleadings within thirty (30) day of the date of this Order."** Copies forwarded to attorney for Plaintiff and Defendant.

October 11, 2001

Acceptance of Service of Opinion and Order dated October 4, 2001 received from Plaintiff. Receipt of same acknowledged by Plaintiff October 8, 2001.

October 11, 2001

Acceptance of Service of Opinion and Order dated October 4, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 10, 2001.

October 31, 2001

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
Plaintiff's response due 12/3/01.

November 19, 2001

Answer to New Matter filed by Plaintiff.

January 7, 2002

Copy of Notice of Service of Interrogatories Directed to Defendant filed by Plaintiff.

March 8, 2002

Certificate of Service of Defendant's Answers to Plaintiff's Interrogatories filed by attorney for Defendant.

March 15, 2002

Letter received from Plaintiff requesting a hearing be scheduled.

March 20, 2002

Letter received from Plaintiff addressed to attorney for Defendant advising that Plaintiff had requested a hearing.

April 9, 2002

The Board rendered the following Order: "**AND NOW**, this 9th day of April, 2002, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board's Panel, composed of Daniel F. Bekavac, Panel Attorney, and A.T. McLaughlin, Jr., P.E., Engineer Member, beginning on June 11, 2002 through June 12, 2002, if necessary. said hearing shall be held at St. Joseph's Center, 2900 Seminary Drive, Greensburg, Pennsylvania, commencing at 9:30 a.m." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 24, 2002

Acceptance of Service of an Order dated April 9, 2002 received from Plaintiff. Receipt of same acknowledged by Plaintiff April 16, 2002.

May 9, 2002

Pre-trial Statement filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

May 13, 2002

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

June 5, 2002

Praecipe for Entry of Appearance of Christopher F. Wilson, Assistant Counsel on behalf of the Defendant, Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 6, 2002

Praecipe for Entry of Appearance of John W. Pollins, III, Esquire on behalf of Plaintiff, filed (via fax) by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 11, 2002

Panel Hearing (Bekavac McLaughlin) held at St. Joseph's Center, Greensburg, Pa. commencing at 9:00 a.m. Case completed.

July 12, 2002

Testimony of panel hearing held June 11, 2002 filed.

July 15, 2002

Copy of testimony of panel hearing held June 11, 2002 forwarded to attorney for Defendant. **Plaintiff's Findings of Fact, etc. due September 13, 2002.**

July 29, 2002

Brief in Support of Plaintiff's Complaint filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff. **Defendant's Findings of Fact, etc. due August 28, 2002.**

July 29, 2002

Plaintiff's Petition to Recover Legal Fees and Expenses, and Interest Charges filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

September 25, 2002

Department of Transportation's Proposed Findings of Fact and Conclusions of Law and Memorandum of Law in Support filed by attorney for Defendant. Copy forwarded to Plaintiff and attorney for Plaintiff by attorney for Defendant.

October 28, 2002

Panel Report (Bekavac/McLaughlin) filed.

April 22, 2003

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of April, 2003, after hearing **IT IS ORDERED** and **DECREED** that judgment be entered in favor of the plaintiff, Eastern Land Management Corporation, and against defendant, Commonwealth of Pennsylvania, Department of Transportation in the sum of Seven Thousand Fifty-Seven Dollars and Fifty Cents (\$7,057.50) with interest thereon at the legal rate of six percent (6%) per annum from March 8, 2001. **FURTHER, IT IS ORDERED** that plaintiff's petition for attorney's fees and costs is **DENIED**. Each party shall bear its own costs and attorney's fees. Upon receipt by plaintiff of said award, plaintiff shall forthwith file a praecipe to mark the case settled and ended with prejudice with the Board." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

April 29, 2003

Acceptance of Service of Opinion and Order dated April 22, 2003 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 24, 2003.

April 30, 2003

Acceptance of Service of Opinion and Order dated April 25, 2003 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 25, 2003.
