

Docket Number: 3406

ASPEN AERIALS

John W. Stubenvoll, Vice President

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

Andrew R. Gordon, Chief Counsel  
Brenda L. Gacki, Assistant Counsel

**July 30, 2001**

Claim and filing fee filed by Plaintiff. Amount of Claim: \$13,936.92.

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**August 1, 2001**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 8/31/01.**

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**August 14, 2001**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 9, 2001.

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**August 28, 2001**

Preliminary Objections of Defendant, Commonwealth of Pennsylvania, Department of Transportation and Brief in Support filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant. Plaintiff's Response and Brief in opposition due 9/28/01.

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**September 20, 2001**

Letter-type Response to Preliminary Objections filed by Plaintiff.

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**September 24, 2001**

Certificate of Service of Letter-type Response to Preliminary Objections filed by Plaintiff.

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**September 27, 2001**

Letter received from attorney for Defendant addressed to Plaintiff advising that PennDOT does not agree at this time to the stipulations and requests set forth in Plaintiff's letter dated September 17, 2001.

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**December 17, 2001**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of December, 2001, after review of Defendant's, Commonwealth of Pennsylvania, Department of Transportation, Preliminary Objections and Memorandum in Support thereof, and Plaintiff's, Aspen Aerials, Response thereto, it is hereby **ORDERED** and **DECREED** that said Preliminary Objections are **DENIED** and Defendant is to file an Answer within thirty (30) days of the exit date of this Order." Copy forwarded to Plaintiff and attorney for Defendant.

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**December 25, 2001**

Acceptance of Service of Opinion and Order dated December 17, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 19, 2001.

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**December 31, 2001**

Acceptance of Service of Opinion and Order dated December 17, 2001 received from Plaintiff. Receipt of same acknowledged by Plaintiff December 26, 2001.

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**January 15, 2002**

Letter received from attorney for Defendant requesting a thirty (30) day extension of time to file an Answer to the Complaint.

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**January 16, 2002**

Letter forwarded to attorney for Defendant with copy to Plaintiff granting 30 day extension of time to file an Answer to the Complaint.

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**Defendant's Answer now due 2/15/02.**

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**February 15, 2002**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant. **Response due from Plaintiff 3/21/02.**

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**February 15, 2002**

Letter received from attorney for Defendant advising that before PennDOT proceeds any further, they are waiting for Plaintiff to be represented by an attorney.

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**March 7, 2002**

Letter-type Response to New Matter filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

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**March 15, 2002**

The Board rendered the following Order: "**AND NOW**, this 15th day of March, 2002, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board's Panel, beginning on July 16, 2002 through July 18, 2002, if necessary. Said hearing shall be held in Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. It is further **ORDERED** and **DECREED** that all discovery be completed no later than June 3, 2002." Copy forwarded to Plaintiff and attorney for Defendant.

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**March 19, 2002**

Letter received from attorney for Defendant addressing Plaintiff's letter dated March February 28, 2002 and advising that a settlement offer has been sent to Plaintiff and that Defendant remains hopeful that a settlement can be reached.

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**March 19, 2002**

Letter received from Plaintiff which is in response to Defendant's Answer and New Matter.

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**March 22, 2002**

Acceptance of Service of Order dated March 19, 2002 received from Plaintiff. Receipt of same acknowledged by Plaintiff March 19, 2002.

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**April 4, 2002**

Letter received from attorney for Defendant advising that the parties have reached a settlement and requesting that an open ended extension of time to facilitate the finalizing of the settlement and payment.

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**April 30, 2002**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 30th day of April, 2002, after receipt of correspondence from counsel for the Defendant indicating that a settlement had been reached it is hereby **ORDERED** and **DECREED** that the panel hearing scheduled for July 16, 2002 through July 18, 2002 is hereby postponed.

Counsel for the Plaintiff is to file a Praecipe to Settle, Discontinue and End by July 30, 2002. In the event such Praecipe is not filed, a panel hearing will be promptly rescheduled." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 14, 2002**

Acceptance of Service of Opinion and Order dated April 30, 2002 received from Plaintiff. Receipt of same acknowledged by Plaintiff May 10, 2002.

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**July 22, 2002**

Praecipe of Dismissal filed by Plaintiff. Copy forwarded to attorney for Defendant by Plaintiff.

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**August 28, 2002**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of August, 2002, based upon representation of Defendant's, Commonwealth of Pennsylvania, Department of Transportation Counsel and the Praecipe of Dismissal filed by Plaintiff, Aspen Aerials, the above captioned case is settled, discontinued and ended with prejudice. The docket shall be marked accordingly." Copy forwarded to Plaintiff and attorney for Defendant.

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**September 6, 2002**

Acceptance of Service of Opinion and Order dated August 28, 2002 received from Plaintiff. Receipt of same acknowledged by Plaintiff September 8, 2002.

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**September 18, 2002**

Acceptance of Service of Opinion and Order dated August 28, 2002 received from Defendant. Receipt of same acknowledged by Defendant September 17, 2002.

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