

Docket Number: 3565

JOSEPH B. FAY COMPANY

Michael Yablonski, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA TURNPIKE COMMISSION

~~William A. Chestnut, Chief Counsel~~  
James W. Kutz, Esquire

**CLOSED**

**January 6, 2003**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$218,661.38.

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**January 9, 2003**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT February 10, 2003.

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**January 16, 2003**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 15, 2003.

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**January 16, 2003**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 13, 2003.

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**February 10, 2003**

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

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**February 10, 2003**

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.

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**March 13, 2003**

Brief in Opposition to Respondent's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 7, 2003**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 7th day of April, 2003, it is **ORDERED** and **DECREED** that Defendant's Preliminary Objections to the Statement of Claim are **DENIED**. Defendant shall have twenty (20) days from the date of service of this Order to file a responsive pleading to the Statement of Claim.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 11, 2003**

Acceptance of Service of Opinion and Order dated April 7, 2003, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 9, 2003.

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**May 6, 2003**

Answer with New Matter filed by Defendant. Copy forwarded to Plaintiff.

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**May 29, 2003**

Acceptance of Service of Opinion and Order dated April 7, 2003, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 10, 2003.

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**June 2, 2003**

Plaintiff filed Reply to New Matter. Copy forwarded to Defendant.

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**March 1, 2004**

Plaintiff filed Notice of Service of Depositions served upon Defendant.

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**May 17, 2004**

Plaintiff filed letter advising that discovery is complete and a hearing should be scheduled.

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**October 15, 2004**

Board issued a Scheduling Order. Order as follows: **AND NOW**, this 15<sup>th</sup> day of October, 2004, it is hereby **ORDERED** and **DECREED** as follows: 1. All depositions and discovery shall be completed by December 13, 2004\*; 2. Pre-Trial Statements of both parties shall be filed with the Board and served upon one another no later than December 20, 2004; 3. A. Pre-Trial Conference is scheduled for Tuesday, December 21, 2004, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7<sup>th</sup> Floor, Harrisburg, PA 17101; 4. The last day for filing Pre-Trial Motions is December 31, 2004\*; and 5. This matter is set for hearing before the Western Panel

beginning on Wednesday, February 16, 2005, and running through February 18, 2005, as necessary. Said hearing shall be held at St. Joseph's Center, 2900 Seminary Drive, Greensburg, Pennsylvania, commencing at 9:30 a.m. Copies forwarded to all parties of record.

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**October 27, 2004**

Plaintiff filed Acceptance of Service of Scheduling Order. Receipt of same acknowledged by attorney for Plaintiff October 20, 2004.

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**October 27, 2004**

Defendant filed Acceptance of Service of Scheduling Order. Receipt of same acknowledged by attorney for Defendant October 19, 2004.

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**December 16, 2004**

Plaintiff filed (via fax) letter confirming their permission to attend the pre-trial conference on Tuesday, December 21, 2004, by telephone. Copy forwarded to Defendant.

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**December 17, 2004**

Defendant filed Pre-Hearing Memorandum of Pennsylvania Turnpike Commission. Copy forwarded to Plaintiff.

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**December 20, 2004**

Plaintiff filed (via U.S. mail) letter confirming their permission to attend the pre-trial conference on Tuesday, December 21, 2004, by telephone. Copy forwarded to Defendant.

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**December 20, 2004**

Plaintiff filed Claimant's Pre-Trial Statement. Copy forwarded to Defendant.

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**December 22, 2004**

Plaintiff filed Claimant's Amended Pre-Trial Statement. Copy forwarded to Defendant.

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**February 16, 2005**

Panel Hearing (Adams/McLaughlin) held at St. Joseph's Center, Greensburg, Pennsylvania commencing at 9:30 a.m. Case completed.

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**March 9, 2005**

Testimony of Panel Hearing held February 16, 2005, filed.

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**March 14, 2005**

Board forwarded copy of testimony of panel hearing held February 16, 2005, to Defendant. Last day of testimony.

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**March 18, 2005**

Defendant filed Acceptance of Service of Testimony. Receipt of same acknowledged by attorney for Defendant March 16, 2005.

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**April 28, 2005**

Plaintiff filed Claimant's Proposed Findings of Fact, Conclusions of Law, and Post-Hearing Brief. Copy forwarded to Defendant.

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**April 28, 2005**

Defendant filed Post Hearing Memorandum of Defendant and Proposed Findings of Fact and Conclusion of Law. Copy forwarded to Plaintiff.

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**May 10, 2005**

Board issued letters to Panel Members (Adams and A. T. McLaughlin) requesting the Panel Report.

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**July 14, 2005**

Panel Members (A.T. McLaughlin and Mike Adams) filed Panel Report.

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**September 30, 2005**

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 30th day of September, 2005, it is hereby **ORDERED, ADJUDGED** and **DECREED** that judgment is entered in favor of the Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, and against Joseph B. Fay Company. The parties will each bear their own costs and attorneys' fees." Copy forwarded to Plaintiff and Defendant.

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**October 5, 2005**

Defendant filed Acceptance of Service of Opinion and Order dated September 30, 2005. Receipt of same acknowledged October 4, 2005.

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**October 7, 2005**

Plaintiff filed Acceptance of Service of Opinion and Order dated September 30, 2005. Receipt of same acknowledged October 4, 2005.

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**October 7, 2005**

Attorney General filed Acceptance of Service of Opinion and Order dated September 30, 2005. Receipt of same acknowledged October 5, 2005.

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