

Docket Number: 3654

ANGELO IAFRATE CONSTRUCTION COMPANY, INC.

~~Michael D. Reed, Esquire~~
Kenneth L. Sable, Esquire
John W. Dornberger, Esquire

Lewis J. Baker, Esquire (Pro Hac Vice)
Lewis I. Askew, Jr., Esquire (Pro Hac Vice)

VS.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA TURNPIKE COMMISSION

William A. Chesnut, Chief Counsel
Robert J. Ray, Esquire
David J. Hickton, Esquire
Chad A. Wissinger, Esquire
John B. [unclear], Esquire

August 4, 2003

Plaintiff filed Claim, filing fee and proof of mailing. Amount of Claim: \$15,242,694.00+. ACCEPTED FOR FURTHER PROCESSING.

August 6, 2003

Board issued Acknowledgment letter and forwarded a copy of Claim to Chief Deputy Attorney General.

August 12, 2003

Chief Deputy Attorney General filed Acknowledgement form of Claim. Receipt of same acknowledged August 7, 2003.

September 4, 2003

Defendant filed Praecipe for Appearance of Robert J. Ray, Esquire, on behalf of Defendant. Copy forwarded to Plaintiff.

September 4, 2003

Defendant filed Answer and New Matter to Statement of Claim. Copy forwarded to Plaintiff.

September 23, 2003

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

December 17, 2003

Defendant filed Certificate of Service of First Set of Interrogatories and Request for Production of Documents Directed to Plaintiff, Angelo Iafrate Construction Company, Inc.

January 14, 2004

Defendant filed Certificate of Service of Responses to Plaintiff First Request for Production of Documents.

February 11, 2004

Plaintiff filed proof of service of Plaintiff's Answers to Pennsylvania Turnpike Commission's First Set of Interrogatories and Requests for Production of Documents.

June 9, 2004

Plaintiff filed letter requesting a pre-hearing conference be scheduled.

September 14, 2004

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 14th day of September, 2004, a scheduling conference will be held with the Board on September 28, 2004, at 1:00 p.m. on the 7th Floor, Fulton Bank Building, 200 North Third Street, Harrisburg, PA. The parties counsel may attend said conference by phone if they so indicate to the Board by September 20, 2004.

The Board shall provide instructions for counsel to phone into the conference if necessary." Copy forwarded to Plaintiff and Defendant.

September 16, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated September 14, 2004. Receipt of same acknowledged September 15, 2004.

September 21, 2004

Defendant filed Acceptance of Service of Opinion and Order dated September 14, 2004. Receipt of same acknowledged September 16, 2004.

September 21, 2004

Plaintiff filed a letter advising that Michael D. Reed, Lewis J. Baker, Michelle Hickes and Matthew C. Milliet will be attending the scheduling conference on September 28, 2004, by telephone on behalf of the Plaintiff.

September 21, 2004

Defendant filed a letter advising that Defendant would like to attend the September 28, 2004 conference by telephone.

October 5, 2004

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 5th day of October, 2004, it is hereby **ORDERED** and **DECREED** as follows: 1. The parties shall exchange expert reports by March 14, 2005; 2. Expert rebuttal reports shall be

exchanged by the parties no later than April 14, 2005; 3. All depositions and discovery shall be completed by May 20, 2005*; 4. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than June 8, 2005; 5. A pre-trial conference is scheduled for Monday, June 20, 2005, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 6. The last day for filing pre-trial motions is Friday, July 8, 2005*; and 7. This matter is set for hearing beginning on Monday, September 12, 2005, and running through Friday, October 7, 2005, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

October 8, 2004

Plaintiff filed Acceptance of Service of Opinion and Scheduling Order dated October 5, 2004. Receipt of same acknowledged October 7, 2004.

October 8, 2004

Plaintiff filed letter advising that Michael D. Reed, Esquire is no longer counsel for Plaintiff and that Kenneth L. Sable, Esquire and Lewis J. Baker, Esquire will be serving as counsel and co-counsel for Plaintiff.

October 12, 2004

Defendant filed Acceptance of Service of Opinion and Scheduling Order dated October 4, 2004. Receipt of same acknowledged October 7, 2004.

October 22, 2004

Plaintiff filed Praecipe for Appearance of Kenneth L. Sable, Esquire and John W. Dornberger, Esquire on behalf of Plaintiff. Copy forwarded to Defendant.

January 21, 2005

Defendant filed Notice of Change of Address. Copy forwarded to Plaintiff.

March 11, 2005

Plaintiff filed (via fax) a letter requesting an extension of time until March 15, 2005, to file its expert reports.

March 14, 2005

Defendant filed McCrory & McDowell Expert Report on behalf of Defendant. Copy forwarded to Plaintiff.

March 14, 2005

Defendant filed an expert report prepared by Greyhawk North America, LLC on behalf of the Defendant. Copy forwarded to Plaintiff.

March 15, 2005

Plaintiff filed Certificate of Service of Matthew C. Milliet's Expert Report and Jeffrey Fuchs of Delta Consulting's Expert Report on behalf of Plaintiff.

March 16, 2005

Plaintiff filed Certificate of Service of Sage Consulting's Expert Report on behalf of Plaintiff.

March 23, 2005

Plaintiff filed a letter advising that Kenneth Sable, Esquire and John Dornberger, Esquire are serving as local counsel for Plaintiff and not replacing Michelle Garcia Hicks, Esquire or Lewis J. Baker, Esquire.

April 13, 2005

Defendant filed letter (via fax) advising that the parties have agreed to a one-week extension to exchange expert rebuttal reports.

April 21, 2005

Expert Report of McCrory & McDowell (titled Rebuttal Report)

filed.

April 21, 2005

Expert Report of GREYHAWK North America, LLC (titled Response to AICC Expert Reports) filed.

April 21, 2005

Rebuttal Expert Report of William Schwartzkopf filed.

April 22, 2005

Plaintiff filed Certificate of Service of Rebuttal Report.

May 12, 2005

Plaintiff filed Notice of Service of Notices of Depositions.

May 25, 2005

Plaintiff filed a Joint Application for Modification of the Court's Scheduling Order, and proposed Amended Scheduling Order.

June 8, 2005

Plaintiff filed Uncontested Motion for Admission of Counsel to Appear Pro Hac Vice. Copy forwarded to Defendant.

June 9, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 9th day of June, 2005, it is hereby **ORDERED** and **DECREED** as follows: 1. All depositions and discovery shall be completed by July 1, 2005*; 2. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than July 13, 2005; 3. A pre-trial conference is scheduled for Wednesday, July 20, 2005, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 4. The last day for filing pre-trial motions is Friday, July 29, 2005*. Response to said pre-trial motions shall be limited to 15 days from the date of filing any such motion; and 5. As previously ordered, this matter is set for hearing beginning on Monday, September 12, 2005, and running through Friday, October 7, 2005, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9:30 a.m.

June 10, 2005

Defendant filed (via fax) Acceptance of Service of Opinion and Order dated June 9, 2005. Receipt of same acknowledged June 9, 2005.

June 13, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 13th day of June, 2005, after review of Plaintiff's Motion for Admission of Counsel to Appear Pro Hac Vice, it is hereby **ORDERED** that: 1) Effective upon the date of this Order, Lewis J. Baker, Esquire and Lewis I. Askew, Jr., shall be **ADMITTED** pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301 for the limited purpose of serving as co-counsel on behalf of Plaintiff in this matter; 2) Lewis J. Baker, Esquire and Lewis I. Askew, Esquire shall abide by all the rules of, and applicable to, practice before this Board, including all attorney disciplinary rules; and 3) Lewis J. Baker, Esquire and Lewis I. Askew, Esquire shall immediately notify this Board of any matter affecting their standing at the bar of any other court or jurisdiction where they may be admitted to practice." Copy forwarded to Plaintiff and Defendant.

June 15, 2005

Defendant filed Motion to Strike Expert Reports, Brief in Support, and Proposed Order. Copy forwarded to Plaintiff. [09A063005D]

June 17, 2005

Defendant filed Appendix to Motion to Strike Expert Reports. Copy forwarded to Plaintiff.

June 17, 2005

Plaintiff filed Notice of Service of oral depositions and document request.

June 20, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated

June 9, 2005. Receipt of same acknowledged June 13, 2005.

June 24, 2005

Defendant filed Acceptance of Service of Opinion and Order dated June 13, 2005. Receipt of same acknowledged June 21, 2005.

June 29, 2005

Plaintiff filed Brief in Opposition of Defendant's Motion to Strike Expert Reports. Copy forwarded to Defendant.

July 1, 2005

Defendant filed Motion to Compel Deposition of Corporate Designee of Angelo Iafrate Construction Company and Brief in Support. Copy forwarded to Plaintiff.

July 1, 2005

Plaintiff filed Motion to Compel Depositions of Defendant's Expert Witnesses, Brief in Support of Motion to Compel and Proposed Order. Copy forwarded to Defendant.

July 5, 2005

Defendant filed Objections to Subpoena Directed to KDKA-TV by Plaintiff. Copy forwarded to Plaintiff.

July 5, 2005

Plaintiff (Baker) filed Acceptance of Service of Opinion and Order dated June 13, 2005. Receipt of same acknowledged June 17, 2005.

July 13, 2005

Defendant filed Pre-Hearing Memorandum. Copy forwarded to Plaintiff.

July 13, 2005

Plaintiff filed Pre-Trial Statement. Copy forwarded to

Defendant.

July 14, 2005

Plaintiff filed an addition to Exhibit C of Plaintiff's Pre-Trial Statement. Copy forwarded to Defendant.

July 15, 2005

Plaintiff filed an addition to Exhibit B of Plaintiff's Pre-Trial Statement. Copy forwarded to Defendant.

July 15, 2005

Plaintiff filed Response to Defendant's Objections to Subpoena Directed to KDKA-TV. Copy forwarded to Defendant.

July 19, 2005

Defendant filed Brief in Opposition to Plaintiff's Motion to Compel the Depositions of Defendant's Expert Witnesses. Copy forwarded to Plaintiff.

July 25, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th day of July, 2005, upon consideration of the Defendant's Motion to Strike Expert Reports and testimony of Mr. Fuchs and Mr. Schwartzkopf and responses thereto, it is hereby **ORDERED** that the Defendant's motion is hereby **DENIED**." Copy forwarded to Plaintiff and Defendant.

July 25, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th day of July, 2005, pursuant to discussion of the outstanding motions and additional matters respecting hearing preparation, it is hereby **ORDERED** as follows: 1. The parties shall, within two (2) weeks from the exit date of this Order, advise the Board of any and all requests respecting sequestration of witnesses during the hearing and their agreement or disagreement on same; 2. The parties are directed to present to the Board, no later than one (1) week prior to the commencement of hearing, a joint stipulation as to all facts and matters to which they, in the exercise of good faith, are able

to agree, including matters such as the authenticity and admissibility of exhibits; 3. Also identified in this joint stipulation will be any and all depositions, or portions thereof, which the parties agree may be admitted for the purpose of direct testimony; 4. If there are any depositions, or portions thereof, which one party wishes to admit as direct testimony but which the parties cannot agree upon, these shall be identified in separate correspondence filed contemporaneously with the joint stipulation with a summary of the argument proffered for or against admission; 5. Both Plaintiff and Defendant are directed to provide this Board with a revised estimate of the time each expects will be needed for presentation of their portion of the case at least one week before commencement of the hearing; 6. Defendant's Motion to Compel Deposition of Iafrate Designee is hereby deemed **WITHDRAWN**; and 7. Defendant's Objection to the KDKA Subpoena is hereby **SUSTAINED**." Copy forwarded to Plaintiff and Defendant.

July 25, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th day of July, 2005, it is hereby **ORDERED** that Plaintiff's Motion to Compel Deposition of Defendant's Experts is hereby **GRANTED** under the following conditions: 1. Defendant shall make each of its expert witnesses available for deposition by Plaintiff by no later than August 26, 2005; 2. Plaintiff shall provide Defendant with an opportunity to depose each of Plaintiff's expert witnesses in the same time frame and on the same terms and conditions as imposed upon Defendant; 3. The deposition of each individual expert shall not exceed one half day in length; 4. The party requesting the deposition shall bear all costs of said deposition with the sole exclusion of the opposing party's counsel fees. These costs include the expert witnesses' fees and reasonable travel expenses, the costs of any deposition facilities, all stenographer costs (including the cost of providing a transcript to the opposing party) and the reasonable travel costs of opposing legal counsel to attend the deposition if requested and documented; 5. One copy of the deposition transcript shall be provided to the opposing party by the party seeking the deposition at the expense of the party seeking the deposition; and 6. All deposition transcripts shall be provided to the opposing party at the same time said

transcript is made available to the party taking the deposition, and in no event later than the commencement of hearing in this matter." Copy forwarded to Plaintiff and Defendant.

July 26, 2005

Plaintiff filed Appendix to Plaintiff's Pre-trial statements. Copy forwarded to Defendant.

July 27, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 26, 2005.

July 27, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 26, 2005.

July 27, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 26, 2005.

July 29, 2005

Defendant filed Motion in Limine to Exclude the Expert Testimony of Matthew Milliet and Brief in Support. Copy forwarded to Plaintiff.

July 29, 2005

Defendant filed Motion in Limine Regarding Liability and Causation and Brief in Support. Copy forwarded to Plaintiff.

July 29, 2005

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 27, 2005.

July 29, 2005

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 27, 2005.

July 29, 2005

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 27, 2005.

August 2, 2005

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 27, 2005.

August 2, 2005

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 27, 2005.

August 2, 2005

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged July 27, 2005.

August 8, 2005

Defendant filed letter (via fax) on behalf of the parties advising the Board that the parties have agreed to have all witnesses sequestered during the hearing except that experts shall be allowed in the hearing room when other experts are testifying.

August 10, 2005

Defendant filed letter (via U.S. Mail) on behalf of the parties advising the Board that the parties have agreed to have all witnesses sequestered during the hearing except that experts shall be allowed in the hearing room when other experts are testifying.

August 11, 2005

Plaintiff filed Brief in Opposition to Defendant's Motion in Limine Regarding Liability and Causation. Copy forwarded to

Defendant.

August 11, 2005

Plaintiff filed Brief in Opposition to Defendant's Motion in Limine to Exclude the Expert Testimony of Matthew Milliet. Copy forwarded to Defendant.

August 26, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 26th day of August, 2005, upon consideration of the Defendant's Motion in Limine Regarding Liability and Causation and its Motion in Limine to Exclude the Expert Testimony of Matthew Milliet, their supporting briefs and Plaintiff's briefs in opposition, said motions are **DENIED**. Plaintiff's request for sanctions is **DENIED**." Copy forwarded to Plaintiff and Defendant.

August 31, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated August 26, 2005. Receipt of same acknowledged August 29, 2005.

August 31, 2005

Defendant filed Acceptance of Service of Opinion and Order dated August 26, 2005. Receipt of same acknowledged August 29, 2005.

August 31, 2005

Plaintiff filed Supplemental Witness List. Copy forwarded to Defendant.

September 6, 2005

Plaintiff filed Objections to Defendant's Trial Exhibits. Copy forwarded to Defendant.

September 6, 2005

Defendant filed letter (via fax) advising that the parties are in negotiations with regard to Paragraphs 2, 3 and 4 of Board's Order of July 25, 2005.

September 8, 2005

Plaintiff filed Joint Stipulation of Facts and Deposition Designations. Copy forwarded to Defendant.

September 8, 2005

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 8th day of September, 2005, commencement of the hearing scheduled to begin on September 12, 2005, is postponed until September 15, 2005 at 9:00 a.m. The parties shall comply with items 2, 3 and 4 of the Board's July 25, 2005, Order by September 13, 2005." Copy forwarded to Plaintiff and Defendant.

September 9, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated September 8, 2005. Receipt of same acknowledged September 9, 2005.

September 9, 2005

Defendant filed Acceptance of Service of Opinion and Order dated September 8, 2005. Receipt of same acknowledged September 9, 2005.

September 12, 2005

Defendant filed Acceptance of Service of Opinion and Order dated September 8, 2005. Receipt of same acknowledged September 12, 2005.

September 13, 2005

Defendant filed Bench Memorandum Regarding Pennsylvania Turnpike Commission's Objection to Plaintiff's Alleged Demonstrative Exhibits. Copy forwarded to Plaintiff.

September 13, 2005

Plaintiff filed Objections to Defendant's Deposition Designations. Copy forwarded to Defendant.

September 13, 2005

Defendant filed Supplemental Stipulation on behalf of both parties. Copy forwarded to Defendant.

September 13, 2005

Defendant filed PTC's Objections to Iafrate's Deposition Counter-Designations. Copy forwarded to Plaintiff.

September 13, 2005

Plaintiff filed Bench Brief Regarding the Admissibility of Demonstrative and Summary Evidence. Copy forwarded to Defendant.

September 15, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 16, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 19, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 20, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 21, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 22, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 23, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton

Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 26, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 27, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 28, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m.

September 29, 2005

Board hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:00 a.m. Case completed.

November 16, 2005

Testimony of hearing held September 15, 16, 19, 20, 21, 22 and 23, 2005 filed.

November 21, 2005

Board forwarded copy of testimony of hearing held September 15, 16, 19, 20, 21, 22 and 23, 2005 to Defendant.

November 22, 2005

Testimony of hearing held September 26, 27, 28 and 29, 2005 filed. Last day of testimony filed.

November 28, 2005

Board forwarded copy of testimony of hearing held September 26, 27, 28 and 29, 2005 to Defendant.

November 30, 2005

Defendant filed Acceptance of Service of testimony of hearing held September 15, 16, 19, 20, 21, 22 & 23, 2005. Receipt of same acknowledged November 28, 2005.

December 5, 2005

Defendant filed Acceptance of Service of testimony of hearing held September 26, 27, 28 & 29, 2005. Receipt of same acknowledged December 2, 2005.

January 12, 2006

Plaintiff filed Post Hearing Brief. Copy forwarded to Defendant.

January 17, 2006

Plaintiff filed Revised Post Hearing Brief. Copy forwarded to Defendant.

February 15, 2006

Defendant filed Proposed Findings of Fact, Conclusions of Law and Brief in Support. Copy forwarded to Plaintiff.

March 2, 2006

Plaintiff filed Reply Brief. Copy forwarded to Defendant.

June 13, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 13th day of June, 2006, **IT IS ORDERED** and **DECREED** that judgment be entered in favor of Plaintiff, Iafrate Construction Company, and against Defendant, Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, in the sum of \$84,120.40. This sum consists of \$70,000.00, the amount owed to Iafrate pursuant to the incentive-payment provision in Change Order No. 4, and \$14,120.40 in prejudgment interest on that amount. In addition, Plaintiff is awarded post-judgment interest on the total outstanding judgment at the statutory rate for judgments (6% per annum) beginning on the date of this Order and continuing until the judgment is paid in full. Each party herein will bear its own costs and attorney fees. Copy forwarded to Plaintiff, Defendant and Attorney General.

June 19, 2006

Plaintiff filed Acceptance and Service of the Opinion and Order dated June 13, 2006. Receipt of same acknowledged on June 16, 2006.

June 21, 2006

Attorney General filed Acceptance of Service Opinion and Order dated June 13, 2006. Receipt of same acknowledged June 19, 2006.

June 21, 2006

Defendant filed Acceptance of Service of Opinion and Order dated June 13, 2006. Receipt of same acknowledged June 15, 2006.

June 23, 2006

Plaintiff filed Motion for Post-Trial Relief. Copy forwarded to Defendant.

June 27, 2006

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 27th day of June, 2006, the request for reconsideration filed with this Board June 23, 2006 by Plaintiff, Angelo Iafrate Construction Company, Inc. is hereby **GRANTED**. Defendant is granted 15 days leave to file a response to Plaintiff's request, should it so desire." Copy forwarded to Plaintiff and Defendant.

June 30, 2006

Board forwarded letter to parties requesting a copy of exhibit 175 admitted in the above-captioned case.

July 5, 2006

Defendant filed Acceptance of Service of Opinion and Order dated June 27, 2006. Receipt of same acknowledged June 30, 2006.

July 11, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated June 27, 2006. Receipt of same acknowledged June 29, 2006.

July 12, 2006

Defendant filed Response to Plaintiff's Motion for Post-Trial Relief. Copy forwarded to Plaintiff.

July 27, 2006

Board rendered an Opinion and Order. Order as follows: **"AND NOW**, this 27th day of July, 2006, upon reconsideration, **IT IS ORDERED** and **DECREED** that judgment be entered in favor of Plaintiff, Iafrate Construction Company, and against Defendant, Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, in the sum of \$84,625.52 This sum consists of \$70,000.00, the amount owed to Iafrate pursuant to the incentive-payment provision in Change Order No. 4, and \$14,625.52 in prejudgment interest on that amount. In addition, Plaintiff is awarded post-judgment interest on the total outstanding judgment at the statutory rate for judgments (6% per annum) beginning on the date of this Order and continuing until the judgment is paid in full. Each party herein will bear its own costs and attorney fees." Copy forwarded to Plaintiff, Defendant and Chief Deputy Attorney General.

July 31, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated July 27, 2006. Receipt of same acknowledged July 28, 2006.

August 2, 2006

Defendant filed Acceptance of Service of Opinion and Order dated July 27, 2006. Receipt of same acknowledged July 31, 2006.

August 7, 2006

Chief Deputy Attorney General filed Acceptance of Service of Opinion and Order dated July 27, 2006. Receipt of same acknowledged August 4, 2006.

August 24, 2006

Plaintiff filed copy of Petition for Review as filed in Commonwealth Court.

August 28, 2006

Commonwealth Court filed Notice of Filing of Petition for Review.

August 31, 2006

Board transmitted certified list comprising the record from the Board of Claims to Commonwealth Court.

October 24, 2006

Board transmitted revised exhibit list from the Board of Claims to Commonwealth Court.

May 17, 2007

Commonwealth Court issued Opinion and Order. Order as follows:
"AND NOW, this 16th day of May, 2007, the motion to quash of the Pennsylvania Turnpike Commission is denied and the order of the Board of Claims dated July 27, 2006, is affirmed."

July 16, 2007

Commonwealth Court returned file.
