

SLATTERY ASSOCIATES, INC., on its own behalf
and on behalf of W. V. FANGPORN & CO., INC.

Robert F. Cushman, Esquire and
William A. DeStefano, Esquire

Docket No. 599

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

~~XXXXXXXXXXXXXXXXXXXX~~
~~Mark F. Broecker, Esquire~~
Michael D. Reed, Esquire and
Kenneth L. Sable, Assistant Counsel

FORM C F 9

August 7, 1978	Complaint and filing fee filed. Amount of claim: \$339,422.00. Copies forwarded to attorney for defendant and Deputy Attorney General.
September 27, 1978	Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
October 2, 1978	Motion to Close the Pleadings, Convene Hearing and Enter Judgment on the Pleadings in Favor of Plaintiff filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
October 16, 1978	Plaintiff's Reply to Defendant's Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
November 16, 1978	Preliminary Objections of Defendant withdrawn by letter dated November 15, 1978.
January 4, 1979	Answer filed by defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
March 22, 1979	Interrogatories to Defendant filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
June 21, 1979	Answer to Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
October 3, 1980	Motion to Amend Pleadings, Memorandum of Law in Support and Amended Answer ^{and New Matter} filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.
October 7, 1980	Defendant's First Set of Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
October 27, 1980	Petition for Leave to Join Additional Defendants filed by attorney for defendant. Copy forwarded to attorney for plaintiff (only) by attorney for defendant.



SLATTERY ASSOCIATES, INC., on its own behalf and on
behalf of W. V. Pangborne and Company, Inc.

William A. DeStefano, Esquire

Docket No. 599

-continued-

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

~~Michael D. Reed, Esquire~~
Kenneth L. Sable, Assistant Counsel

October 31, 1980

The Board rendered the following Order: "AND NOW, this 31st day of October, 1980, upon review of the Petition of the Commonwealth of Pennsylvania, Department of Transportation, for leave to join Additional Defendants, the Board of Claims hereby issues a Rule upon: 1. Amman and Whitney, Inc., 2. The Department of Public Property of the city of Philadelphia, and, 3. The Southeastern Pennsylvania Transportation Authority to show cause why it should not be joined as an additional Defendant in the above captioned matter. Rule returnable within thirty (30) days of receipt hereof." Copies forwarded to attorney for plaintiff, attorney for defendant, Amman and Whitney, Inc., The Department of Public Property of the city of Philadelphia, and SEPTA.

November 7, 1980

Brief in Opposition to Petition for Leave to Join Additional Defendants, Motion for Reconsideration and Brief in Opposition to Motion to Amend Pleadings, and Reply to Request for Admissions filed by attorney for plaintiff. Copies forwarded to all parties of interest by attorney for plaintiff.

November 12, 1980

Response to Plaintiff's Motion for Reconsideration of the Board's Decision to Allow Amendments to the Department's Answer/filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

November 19, 1980

The Board rendered an Opinion and made the following Order: "AND NOW, this 19th day of November, 1980, Plaintiff's Motion for Reconsideration is denied, and Plaintiff is ORDERED to file a Reply to Defendant's New Matter within twenty (20) days from the date hereof." Copies forwarded to attorney for plaintiff and attorney for defendant.

November 24, 1980

Answer of SEPTA to Petition for Leave to Join Additional Defendants filed by attorney for SEPTA. Copies forwarded to attorney for plaintiff and attorney for defendant, Amman & Whitney and Dept. of Public Property by attorney for SEPTA.

November 28, 1980

Plaintiff's Answers & Objections to Defendant's 1st Set of Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

December 4, 1980

Plaintiff's Reply to Defendant's New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

December 23, 1980

Answer of Proposed Additional Defendant, Amman and Whitney, Inc., to Defendant's Petition for Extension of Time to Join Additional Defendants, as well as Memorandum of Law in

Support of Plaintiff's Motion for Extension of Time

SLATTERY ASSOCIATES, INC., on its own behalf
and on behalf of N. V. PANGBORNE & CO., INC.

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

MULTIPLE COLUMN



MADE IN U.S.A.

~~Robert P. Gushman, Esquire and~~
William A. DeStefano, Esquire

-continued-

~~Mark F. Harvate, Esquire~~
Michael J. Reed, Esquire and
Kenneth L. Sabie, Assistant Counsel

Docket No. 599

January 6, 1981

Letter received from proposed additional defendant Department of Public Property. Copy forwarded to all counsel of record by attorney for Department of Public Property.

February 6, 1981

The Board rendered an Opinion and made the following Order "AND NCW, this 6th day of February, 1981, the request of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, to be allowed to file Complaints against Additional Defendants, is hereby denied." Copies forwarded to attorney for plaintiff, attorney for defendant, attorney for Amman & Whitney, attorney for SEFTA and attorney for Dept. of Public Property.

March 26, 1981

Notice of Taking Deposition on Oral Examination filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 21, 1981

Defendant's Second Set of Interrogatories to Plaintiff filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 15, 1981

Depositions of (1) Lynn W. McQuade, (2) James E. Busch, (3) Robert J. Coward, (4) Thomas A. Horvai and (5) Theodore Baclawski filed by attorney for defendant.

June 16, 1981

Plaintiff's Answers to Defendant's Second Set of Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 25, 1981

Notice of Taking Depositions of Richard F. Hill, John Flack, Thomas A. Horvai, Thomas Margro and Wilbur Bourse filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

October 5, 1981

Supplemental Answers to 1st Set of Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

October 7, 1981

Hearing scheduled for January 5 through 8, 1982 as well as January 12 through 14, 1982, if

SLATTERY ASSOCIATES, INC., on its own behalf
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VS.

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~~Robert P. Cushman, Esquire and~~
William A. DeStefano, Esquire

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~~Mark P. Brancato, Esquire and~~
~~Michael D. Reed, Esquire and~~
Kenneth L. Sabie, Assistant Counsel

November 30, 1981

Deposition of James R. Ruckel filed by parties.

December 11, 1981

Answers to Plaintiff's Interrogatories to Defendant - Set Number Two filed by attorney for Defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 15, 1981

Notice of Taking Deposition of Bruce Pinney filed by attorney for defendant.

December 18, 1981

Motion in Limine filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 23, 1981

Plaintiff's Reply to Motion in Limine filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

December 23, 1981

Defendant's 3rd Set of Interrogatories to Plaintiff filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 30, 1981

Deposition of J. A. Bruce Pinney filed.

December 30, 1981

Supplemental Answers to Plaintiff's Interrogatories to Defendant (2nd Set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 31, 1981

Response to Plaintiff's Reply to Defendant's Motion in Limine filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 3, 1982

Hearing held in Board's Court Room at 10 a.m.

January 3, 1982

Depositions of Richard F. Hill, John R. Plack, Thomas Margro, J. Wilbur Boorse and Richard G. Windisch filed at time of hearing.

January 5, 1982

The Board rendered an Opinion and made the following Order: "AND NOW, this 5th day of January, 1982, the Board DISMISSES the Commonwealth of Pennsylvania, Department of

SLATTERY ASSOCIATES, INC., on its own behalf
and on behalf of W. V. Pangborne & Co., Inc.

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

William A. DeStefano, Esquire and
~~Robert F. Cushman, Esquire~~

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~~Mark F. Brancato, Esquire~~
~~Michael D. Reed, Esquire and~~
~~Kenneth J. Sable, Assistant Counsel~~



FORM
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January 6, 1982 Hearing held in Board's Court Room at 10 a.m.

January 7, 1982 Hearing held in Board's Court Room at 10 a.m.

January 8, 1982 Hearing held in Board's Court Room at 10 a.m.

January 12, 1982 Hearing held in Board's Court Room at 10 a.m.

January 13, 1982 Hearing held in Board's Court Room at 10:30 a.m.

January 14, 1982 Hearing held in Board's Court Room at 10:00 a.m. Case completed

February 3, 1982 Testimony of hearing held January 5, 6, 7 and 8, 1982 filed. Copies forwarded to attorney for defendant.

February 8, 1982 Plaintiff's Request for Production of Documents Addressed to Defendant Pursuant to Pa. R.C.P. 1009 filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

February 9, 1982 Testimony of hearing held January 12, 13, and 14, 1982 Filed.

February 9, 1982 Request for Production of Documents Filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 11, 1982 Copies of testimony of hearing held January 12, 13 and 14, 1982 forwarded to attorney for defendant.

March 2, 1982 Department's Response to Plaintiff's Request for Production of Documents filed by

SLATTERY ASSOCIATES, INC., on its own behalf
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William A. DeStefano, Esquire

Docket No. 599

-continued-

~~Mark F. Braccato, Esquire~~
~~Michael D. Reed, Esquire and~~
~~Kenneth L. Sable, Assistant Counsel~~

March 22, 1982

Motion for Order Compelling Production of Documents filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 24, 1982

Response to Plaintiff's Motion For An Order Compelling Production Of Documents And Cross-Motion For An Order Compelling Production Of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 31, 1982

The Board rendered an Opinion and made the following Order: "Upon review of the case material as hereinbefore produced, a review of the correspondence, Motion for Order Compelling Production of Documents, Plaintiff's Request for Production of Documents Addressed to Defendant Pursuant to PA. R.C.P. 4009, a review of the Commonwealth's Request for Production of Documents and the Commonwealth's Response to Plaintiff's Motion for an Order Compelling Production of Documents, the Board Directs that each party comply with each others request and arrange a mutually convenient date, place and time well in advance of trial to exchange the requested documents. Under no circumstances will the case be continued. The Board reserves the right to issue Sanctions as may deem meet."

April 1, 1982

Copies of Opinion and Order dated March 31, 1982, forwarded to attorney for plaintiff and attorney for defendant.

May 11, 1982

Hearing held in Board's Court Room at 10 a.m.

May 12, 1982

Hearing held in Board's Court Room at 10 a.m. Case completed.

June 2, 1982

Restimony of hearing held May 11 and 12, 1982 filed.

June 7, 1982

Copies of testimony of hearing held May 11 and 12, 1982 forwarded to attorney for defendant.

October 4, 1982

Plaintiff's Proposed Findings of Fact and Conclusions of Law AND Memorandum of Law in Support Thereof filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

December 3, 1982

Stipulation filed by attorney for defendant and attorney for plaintiff.

SLATTERY ASSOCIATES, INC., on its own behalf
and on behalf of W. V. PANGBORNE & CO., INC.
vs.
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~~Mark P. Deenooty, Esquire~~
Michael C. Reed, Esquire and
Kenneth L. Sabla, Assistant Counsel



(Continued)

December 3, 1982

Defendant's Exhibit No. 32, which is attached as a copy of Sheet 34 of 37 dated
June 10, 1974.

December 4, 1982

Copies of Order dated December 3, 1982 forwarded to attorney for Plaintiff and
attorney for Defendant.

December 20, 1982

Proposed Findings of Fact, Conclusions of law and Supporting Brief filed by attorney
for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 21, 1984

The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day
of March, 1984, we find as follows: 1. In regard to Count One, we find in favor of
the Plaintiff, Slattery Associates, Inc., on its own behalf and on the behalf of the
W. V. Pangborne & Company, Inc. and against the Defendant, Commonwealth of
Pennsylvania, Department of Transportation in the amount of Eighteen Thousand Two
Hundred Thirty-Seven Dollars and Thirty-One (\$18,237.31) Cents together with interest
at the legal rate of six (6) percent per annum beginning from April 6, 1978. 2. In
regard to Count Two, we find in favor of the Plaintiff, Slattery Associates, Inc., on
its own behalf and on behalf of W. V. Pangborne & Company, Inc. and against the
Defendant, Commonwealth of Pennsylvania, Department of Transportation in the amount
of Forty-Nine Thousand Eight Hundred Ninety-One Dollars and Seventy-Seven
(\$49,891.77) Cents together with interest at the legal rate of six (6) percent per
annum beginning from May 23, 1978. Each party to bear its own costs."

March 28, 1984

Copies of Opinion and Order dated March 21, 1984 forwarded to attorney for Plaintiff
and attorney for Defendant.

April 23, 1984

Petition for Review in the Nature of an Appeal from an Order of the Board of Claims

SLATTERY ASSOCIATES, INC., on its own behalf
and on behalf of W. V. PANGBORNE & CO., INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

~~Robert F. Gushman, Esquire and~~
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Docket No. 599

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~~Mark P. Brancetto, Esquire~~
~~Michael D. Reed, Esquire and~~
~~Kenneth L. Sabie, Assistant Counsel~~

May 4, 1984

Petition for Review filed by Commonwealth Court. No. 1127 C.D. 1984.

May 9, 1984

Petition for Review (Cross Appeal) filed by Commonwealth Court. No. 1246 C.D. 1984.

June 18, 1984

File transmitted to Commonwealth Court.

October 29, 1986

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, this 28th day of October, 1986, the order of the Board of Claims, dated March 21, 1984 as it relates to Count I of the above-captioned matter, is reversed insofar as it denied recovery to Slattery Associates, Inc., on its own behalf and on behalf of W. V. Pangborne & Company, Inc., for the costs of installing the fiberglass reinforced molded plastic insulators and this case is remanded for further proceedings not inconsistent with this Opinion. Jurisdiction relinquished."

October 29, 1986

Dissenting Opinion filed by Collins, J.

January 15, 1987

Copy of Application for Review as filed in Commonwealth Court on November 12, 1986 received from attorney for Defendant.

January 16, 1987

Copy of Order rendered by Commonwealth Court filed by attorney for Plaintiff. Order as follows: "NOW, January 9, 1987, having considered the application for reargument filed by the Department of Transportation and the answer thereto of Slattery Associates, Inc., said application is hereby denied."

March 16, 1987

Filed returned from Commonwealth Court.

June 5, 1987

The Board rendered an Opinion and made the following Order: "AND NOW, this 5th day of June, 1987, it is hereby ORDERED and DECREED that the matter will be heard on Oral Argument and Briefs submitted by Counsel for the parties only on the question of damages pertaining to the installation of the fiberglass reinforced molded plastic

SLATTERY ASSOCIATES, INC., on its
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vs.

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DEPARTMENT OF TRANSPORTATION

William A. DeStefano, Esquire

Docket No. 599

Kenneth L. Sable Assistant Counsel



June 9, 1987

Acceptance of Service of Opinion and Order, dated June 5, 1987, received from
Defendant (Mr. Sable). Receipt of same acknowledged by Defendant June 8, 1987.

June 9, 1987

Acceptance of Service of Opinion and Order, dated June 5, 1987, received from
Defendant (Mr. Reed). Receipt of same acknowledged by Defendant June 8, 1987.

June 11, 1987

Acceptance of Service of Opinion and Order, dated June 5, 1987, received from
Plaintiff. Receipt of same acknowledged by Plaintiff June 8, 1987.

June 11, 1987

Oral Argument held in Court Room No. 1 at 10:00 a.m.

June 11, 1987

Brief of Defendant, Commonwealth of Pennsylvania, Department of Transportation filed
by attorney for Defendant at time of Oral Argument. Copy given to attorney for
Defendant at time of hearing.

June 11, 1987

Testimony of hearing held June 12, 1987 filed.

June 25, 1987

Copy of testimony for hearing held June 12, 1987 forwarded to attorney for Defendant.

June 26, 1987

Acceptance of Service of testimony for hearing held June 12, 1987, received from
Defendant. Receipt of same acknowledged by Defendant June 25, 1987.

July 17, 1987

Plaintiff's Brief on Damages Pertaining to Count I of Plaintiff's Complaint filed by
attorney for Plaintiff. Copies forwarded to attorneys for Defendant by attorney for
Plaintiff.

August 10, 1987

Defendant's Brief on Count I Damages filed by attorney for Defendant. Copy forwarded
to attorney for Plaintiff by attorney for Defendant.

SLATTERY ASSOCIATES, INC. on its
own behalf and on behalf of W. V.
PANGBORNE & CO., INC.

vs.

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William A. DeStefano, Esquire

Docket No. 599

Kenneth L. Sable, Assistant Counsel

March 9, 1988

The Board rendered an Opinion and made the following Order: "AND NOW, this 9th day of March, 1988, an additional award is hereby filed in favor of the Plaintiffs, Slattery Associates, Inc., on its own behalf and on behalf of W. V. Pangborne and Company, Inc., and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation in the amount of Forty-Eight Thousand Six Hundred Nineteen Dollars and Six Cents (\$48,619.06), together with interest at the legal rate of (6%) six percent per annum beginning from April 6, 1978. Each party to bear its own costs."

March 10, 1988

Copies of Opinion and Order dated March 9, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

March 11, 1988

Acceptance of Service of Opinion and Order dated March 9, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 10, 1988.

March 17, 1988

Acceptance of Service of Opinion and Order dated March 9, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 4, 1988.