

F. SMALIS PAINTING COMPANY, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

~~XXXXXXXXXXXXXXXXXXXX~~
Sanford A. Middlemaier, Esq.

Docket No. 623

~~XXXXXXXXXXXXXXXXXXXX~~
John J. Buchy, Jr., Esquire

FORM JCF 0

December 18, 1978 Complaint filed. Amount of claim: \$59,816.06. Awaiting 6 additional copies of claim and \$50.00 filing fee.

December 20, 1978 6 additional copies of Complaint as well as \$50.00 filing fee filed. Copies forwarded to attorney for defendant and Deputy Attorney General.

March 5, 1979 Answer filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 30, 1980 Request for Production of Documents,
Request for Admissions and Defendant's Interrogatories to Plaintiff (1st Set) filed by attorney for defendant.
Copies forwarded to attorney for plaintiff by attorney for defendant.

Feb. 18, 1981 Answers to Defendant's Interrogatories to Plaintiff (1st Set) filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

August 4, 1981 Hearing scheduled for September 30, October 1, and if necessary, October 2, 1981, before Western District, to be held in Hearing Room 1607, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania, commencing at 10 a.m.

August 11, 1981 Motion for Sanctions for Failure to Serve Sufficient Answers to Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 18, 1981 Motion for Sanctions for Failure to Produce Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 18, 1981 Notice of Taking Deposition of Ernest Smalis filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 19, 1981 Notice of Taking Deposition of F. Smalis Painting Co., Inc. filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 31, 1981 Plaintiff's Answer to Defendant's Motions for Sanctions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 11, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 11th day of September, 1981, this Board has been advised by counsel for Defendant that he has received from the Plaintiff all documents that the Plaintiff had pertaining to this case and that Defendant also received Sufficient Answers to the Interrogatories. We have further been advised that depositions have been taken and discovery is at an end. Based upon this information, the above stated Motions of the Defendant are hereby declared moot. Further,



F. SMALIS PAINTING COMPANY, INC.
vs.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

~~XXXXXXXXXXXXXXXXXXXX~~
Sanford A. Middleman, Esq. - continued -

John J. Buchy, Esquire

Docket No. 623



September 11, 1981 -continued-
if any new documents or information is found by the Plaintiff after the date of this Order and this information or document pertains to the case at hand, this Board will then determine if the new document or information was discoverable prior to or subsequent to this Order. Appropriate action will be taken by this Board. Copy of Opinion and Order forwarded to attorney for plaintiff and attorney for defendant.

September 23, 1981 Deposition of Ernest Smalis filed by attorney for defendant.

September 25, 1981 Deposition of Ernest Smalis filed by attorney for defendant.

September 30, 1981 Hearing held in Pittsburgh State Office Building at 10 a.m. (WESTERN DISTRICT)

October 1, 1981 Hearing held in Pittsburgh State Office Building at 9 a.m. (WESTERN DISTRICT)

October 2, 1981 Hearing held in Pittsburgh State Office Building at 9 a.m. (WESTERN DISTRICT)

November 4, 1981 Testimony of hearing held September 30, October 1 and 2, 1981 filed. (WESTERN DISTRICT)

November 5, 1981 Copy of testimony of hearing held September 30, October 1 and 2, 1981 forwarded to attorney for defendant. (WESTERN DISTRICT)

November 23, 1981 Motion to Amend Answer as well as Amended Answer with New Matter filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

December 1, 1981 Brief in Support of Motion to Amend Answer filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

December 4, 1981 Suggested Findings of Fact, Conclusions of Law, and Brief filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

January 25, 1982 Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

February 5, 1982 The Board rendered an Opinion and made the following Order: AND NOW, this 5th day of February, 1982, Defendant's Motion to Amend its Answer is hereby granted and Defendant's Amended Answer as filed is accepted. Copies forwarded to attorney for plaintiff and attorney for defendant.

Docket No. 623
-continued-

Sanford A. Middleman, Esq.

E. SMALIS PAINTING COMPANY, INC.

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

John J. Buchy, Jr., Esquire

MULTIPLE COPIES



May 21, 1982 Report of Hearing Panel filed.

September 30, 1982 The Board rendered an Opinion and made the following Order: 'AND NOW, this 30th day of September 1982, we find in favor of the Defendant, Commonwealth of Pennsylvania, Department of Transportation and against the Plaintiff, E. Smalis Painting Company, Inc.'

October 6, 1982 Copies of Opinion and Order dated September 30, 1982 forwarded to attorney for plaintiff and attorney for defendant.