

David S. Foulke, Esquire

PETTINARO CONSTRUCTION CO., INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
GENERAL STATE AUTHORITY (now the
Department of General Services

-continued-

CLOSED

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
Thaddeus A. Tanski, Esquire

April 17, 1981

Hearing scheduled for this date continued to a later date.

May 14, 1981

Depositions of (1) Verino Pettinaro & Frit Bentomeu and (2) James Heill filed by attorney for defendant.

May 5, 1981

Hearing scheduled for October 20, 1981 through October 31, 1981 as well as October 27, 1981 through October 30, 1981, if necessary in Board's Court Room at 10 a.m.

August 28, 1981

Testimony of hearing held April 14, 15, and 16, 1981 filed. Copy forwarded to attorney for defendant.

October 13, 1981

Motion for Summary Judgment filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

October 15, 1981

The Board rendered an Opinion and made the following Order: "AND NOW, this 15th day of October, 1981, Defendant's Motion for Summary Judgment is hereby denied." Copies forwarded to attorney for plaintiff and attorney for defendant.

October 20, 1981

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

October 21, 1981

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

November 10, 1981

Testimony of hearing held October 20 and 21, 1981 filed. Copy forwarded to attorney for defendant.

December 11, 1981

Certificate of Authority to do business in the Commonwealth of Pennsylvania issued to Pettinaro Constructor Co., Inc. filed by attorney for plaintiff. Copy forwarded to attorney for defendant.

March 4, 1982

Claimant's Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 30, 1982

Proposed Findings of Fact and Brief ^{and Brief} Proposed by the Defendant filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

Continued

PETTINARO CONSTRUCTION CO., INC.
VS.
COMMONWEALTH OF PENNSYLVANIA
GENERAL STATE AUTHORITY (now the
DEPARTMENT OF GENERAL SERVICES

David S. Foulke, Esquire
(Continued)
Thadeus A. Tanski, Esquire

Docket No. 628

CLOSED



May 23, 1983 The Board made the following Interlocutory Order: "AND NOW, to wit, this 23rd day of May, 1983, it is hereby ORDERED and DECREED that each party shall file within forty-five (45) days hereof a Supplemental Memorandum of Law exclusively dealing with what impact, if any, of our Supreme Court's recent decision Acchione and Canuso, Inc. vs. Commonwealth of Pennsylvania, Department of Transportation, No. 81-3-406, A.2d (1983) has upon this claim." Copies forwarded to attorney for plaintiff and attorney for defendant.

July 5, 1983 Supplementary Memorandum filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 8, 1983 Supplementary Memorandum filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 24, 1984 The Board rendered an Opinion and made the following Order: "AND NOW, to wit, this 24th day of February, 1984, upon presentation of this matter to the Board of Claims of the Commonwealth of Pennsylvania and after a full hearing having been heard on the merits hereof, finds in favor of the Plaintiff, Pettinaro Construction Co., Inc. and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation in the amount of \$34,708.79, together with interest at the legal rate of six (6%) per cent per annum from April 7, 1977. Each party to bear its own costs."

February 29, 1984 Copies of Opinion and Order dated February 24, 1984 forwarded to attorney for Plaintiff and attorney for Defendant.

September 26, 1984 The Board made the following Order: "AND NOW, this 26th day of September, 1984, pursuant to Praecipe received from David S. Foulke, Esquire, attorney for the Plaintiff, docketed with this Board on September 21, 1984, advising that the above captioned matter has been settled by agreement of the parties and directing that the Board mark the record settled, discontinued and ended, it is ORDERED and DIRECTED that this case be marked "settled, discontinued and ended with prejudice". Copies forwarded to attorney for plaintiff and attorney for defendant.