

MODJESKI AND MASTERS

VS.
THOMAS D. LARSON, Secretary of the
Department of Transportation, and
CECIL M. ANDREWS, Comptroller of the
Department of Transportation

JAMES H. STEWART, JR., USQUILLI

Kenneth L. Sable, Esquire
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BOOKLET NO. 651

CLOSED

OFFICE OF COMPTROLLER OF PENNSYLVANIA
(STATE HOUSE OF REPRESENTATIVES)

Sept. 7, 1979 Statement of Claim and filing fee filed. Amount of claim \$1,186,583.00.

Sept. 10, 1979 Copies of Statement of Claim forwarded to attorney for defendant and Deputy Attorney General.

Oct. 12, 1979 Petition to Stay filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

Oct. 17, 1979 The Board made the following Order: "AND NOW, this 17th day of October, 1979, a Rule is issued to show cause why the Petition to Stay, filed in this matter, should not be granted. Answer to the Petition shall be filed within twenty (20) days of the date of this Order. Upon failure to render said Answer, the Rule shall become absolute." Copies forwarded to attorney for plaintiff and attorney for defendant.

Oct. 23, 1979 Answer to Petition to Stay filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

Oct. 23, 1979 Motion for Judgment on the Pleadings filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

Oct. 24, 1979 Motion to Strike Plaintiff's Motion filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

Nov. 2, 1979 Answer to Motion to Strike filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

Dec. 21, 1979 The Board rendered an Opinion and made the following Order: "AND NOW, this 24th day of December, 1979, it is ORDERED that the Rule issued by this Board on October 17, 1979, is hereby vacated. Defendant's Petition to Stay is hereby refused. Plaintiff's Motion for Judgment on the Pleadings is denied. Further, it is ORDERED that the Plaintiff file an amendment to amend the Complaint, setting forth the Commonwealth of Pennsylvania as the Defendant, and the Defendant is given thirty (30) days from the date of this Order in which to file responsive pleadings to the Plaintiff's Statement of Claim reflecting the named Defendant as the Commonwealth of Pennsylvania'. Copies forwarded to attorney for plaintiff and attorney for defendant.

Dec. 26, 1979 Parecipe for Discontinuance filed.

OVER



MODJESKI AND MASTERS

VS.
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Department of Transportation, and
CECIL M. ANDREWS, Comptroller of the
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Kenneth L. Sable, Esquire

CASED

→ Commonwealth of Pennsylvania
(Use Check or Stamp)

January 17, 1980

Proposed order, Stipulation and Amended Statement of Claim filed by attorney for plaintiff. Copy forwarded to attorney for defendant.

January 21, 1980

The Board made the following Order: "AND NOW, this 21st day of January, 1980, the foregoing Stipulation of Counsel is hereby approved, the case reinstated, the discontinuance stricken off, and the Order of December 24, 1979, modified to reflect a time for answer of February 29, 1980." Copies forwarded to attorney for plaintiff and attorney for defendant.

February 29, 1980

Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 19, 1980

Reply to New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 21, 1980

Opinion and Order filed by Commonwealth Court. Order as follows: "AND NOW, this 20th day of March, 1980, the respondents' motion for transfer is hereby granted, and the above action is ordered transferred to the Board of Claims." /

May 12, 1980

File received from Commonwealth Court. (No. 1804 C. D. 1979-- same matter as is docketed under BOC Docket No. 651)

May 19, 1980

Motion to Amend Caption of the transferred case filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

May 22, 1980

The Board rendered the following Order: "AND NOW, this 22nd day of May, 1980, the Plaintiff's Motion to Amend Caption by adding the Commonwealth of Pennsylvania as Defendant in the above entitled matter is hereby granted." Copies forwarded to attorney for plaintiff and attorney for defendant.

February 4, 1982

Praecipe for Discontinuance filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 16, 1982

The Board made the following Order: "AND NOW, this 16th day of February, 1982, upon receipt of Praecipe for Discontinuance, executed by Kenneth Lee Sable, Esquire, on behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation, same of which is docketed with this Board under date of February 4, 1982, and having ascertained same with James H. Stewart, Jr., Esquire, attorney for the Plaintiff, Modjeski and Masters, it is ORDERED and DIRECTED that said case be marked "settled, discontinued and ended with prejudice". Copies forwarded to attorney for plaintiff and attorney for defendant.