

JAMES D. MORRISSEY, INC.
V.S.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

David L. Shenkle, Esquire

Mark F. Brancato, Esquire
~~XXXXXXXXXXXXXXXXXXXX~~

Docket No. 573

CLOSED

FORM C P Q

January 7, 1980 Complaint and filing fee filed. Amount of claim: \$22,860.90. Copies of claim forwarded to attorney for defendant and Deputy Attorney General.

Feb. 5, 1980 Defendant's Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 3, 1980 Reply filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

October 15, 1980 Interrogatories (1st Set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 11, 1981 Hearing scheduled for March 18 and 19, 1981 before Eastern District, to held in the Pottsville City Hall Council Chambers, commencing at 10 am.

Feb. 13, 1981 Plaintiff's Answers to Defendant's Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

February 19, 1981 Hearing scheduled for March 18 and 19, 1981, corrected to March 18, 19, and if necessary, March 20, 1981, to be held in Pottsville City Hall Council Chambers at 10 a.m.

February 20, 1981 Petition for Leave to Take Deposition for the Purpose of Preserving Testimony filed at attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 23, 1981 Petition for Continuance filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 24, 1981 The Board rendered an opinion and made the following Order: "AND NOW, this 24th day of February, 1981, The Commonwealth of Pennsylvania, is authorized to depose William Butler, a Department employee, for the purpose of preserving his testimony, on Tuesday, February 26, 1981, at 10 a.m. at the Department's District Office in St. Davids, Pennsylvania." Copies forwarded to attorney for plaintiff and attorney for defendant.

February 24, 1981 The Board rendered an opinion and made the following Order: "AND NOW, this 24th day of February, 1981, the Petition for Continuance is granted and the hearing scheduled for March 18, 1981 through March 20, 1981, inclusive, is continued for cause shown." Copies forwarded to attorney for plaintiff and attorney for defendant.



JAMES D. MORRISSEY, INC.

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

David L. Sheakle, Esquire
Mark F. Brancato, Esquire

CLOSED

Hearing scheduled for June 10, June 11, 1981, and if necessary June 12, 1981, before Eastern District, to be held in Pottsville City Hall Council Chambers, Pottsville, Pa., commencing at 10 a.m.

June 10, 1981 Hearing held in Pottsville City Hall Council Chambers at 10 a.m. (EASTERN DISTRICT)

June 11, 1981 hearing held in Pottsville City Hall Council Chambers at 10 a.m. (EASTERN DISTRICT) case completed.

July 9, 1981 Testimony of hearing held June 10, 1981 filed. Copy forwarded to attorney for defendant. /and June 11, 1981

July 9, 1981 Deposition of Thomas Toland filed.

December 1, 1982 Motion to Dismiss filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 17, 1982 Plaintiff's Answer to Defendant's Motion to Dismiss filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

December 28, 1982 The Board rendered the following Order: "AND NOW, this 28th day of December, 1982, upon consideration of the Motion to Dismiss filed by the Department of Transportation and the Answer to said Motion filed on behalf of the plaintiff, it is Ordered that the plaintiff shall file proposed findings of fact, conclusions of law and supporting brief with the Board on or before January 28, 1983, in default of which the Board will enter an Order dismissing plaintiff's claim."

December 29, 1982 Copies of Order dated December 28, 1982, forwarded to attorney for plaintiff and attorney for defendant.

January 28, 1983 Plaintiff's proposed Findings of Fact, Conclusions of Law and Memorandum of Law filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

Handwritten signature

JAMES P. MORRISSEY, INC.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

David L. Shenkie, Esquire
Mark F. Brancato, Esquire

-continued-

Docket No. 673

CLOSED



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| July 13, 1983 | Proposed Findings of Fact, Conclusions of Law and Memorandum of Law filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant. |
| October 26, 1983 | Panel Report filed. |
| May 14, 1984 | The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of May, 1984, we find in favor of the Plaintiff, James D. Morrissey, Inc., and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation in the following sums: A. The sum of Fourteen Thousand One Hundred Forty-seven Dollars and Seventy-two Cents (\$14,147.72).... together with interest at the legal rate of six percent (6%) per annum beginning at the date of final payment for the September 13, 1978 paving Contract for L. R. 6792 (East River Drive) Philadelphia, Pennsylvania; B. The sum of Eight Thousand Seven Hundred Thirteen Dollars and Eighteen Cents (\$8,713.18) together with interest at the legal rate of six percent (6%) per annum beginning at the date of final payment for the July 26, 1978 Contract for L. R. 67009 Roosevelt Boulevard Philadelphia, Pennsylvania. Each party to bear its own costs." |
| May 15, 1984 | Copies of Opinion and Order dated May 14, 1984 forwarded to attorney for plaintiff and attorney for defendant. |