

INGRASSIA CONSTRUCTION COMPANY, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES

Theodore A. Adler, Esquire
~~Thomas B. Schmidt, III, Esquire~~

Docket No. 681

Fred Speker, Esquire and
Thomas B. Schmidt, III, Esquire)
Henry J. Costa, Jr., Esquire and
Thaddeus A. Tanski, Esquire)
} relative to Motion to Disqualify only

CLOSED

FORM C F 9

March 19, 1980 Complaint and filing fee filed. Amount of claim: \$663,649.00. Copies of claim forwarded to attorney for defendant and

Deputy Attorney General.

June 18, 1980 Motion to Disqualify Widoff, Reager, Selkowitz and Adler, P.C. as Counsel for Claimant, filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 24, 1980 Notice of Appearance of Fred Speker, Esquire and Thomas P. Schmitt, III, Esquire filed. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 2, 1980 The following Rule to Show Cause issued by Board: "AND NOW, this 2nd day of July, 1980, upon written Motion to Disqualify Widoff, Reager, Selkowitz and Adler, P. C., as Counsel for Claimant, regarding the above captioned matter, a Rule is issued to show cause why said Motion should not be granted. The Rule is returnable within twenty (20) days from the date of this Order, at which time, written answer to said Motion shall be filed and service thereon made to respective parties. Upon failure to abide by the return date, the Rule will be made absolute." Copies forwarded to attorney for plaintiff and attorney for defendant.

July 16, 1980 Answer to Motion to Disqualify filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

August 5, 1980 Praecipe for Entry of a Default Judgment filed by attorney for plaintiff (Adler).
Copy forwarded to attorney for defendant by attorney for plaintiff.

August 8, 1980 Defendant's Motion to Strike Plaintiff's Praecipe for Entry of Default Judgment, Memorandum in support as well as proposed Order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 20, 1980 Memorandum of Law in Support of Plaintiff's Praecipe for Entry of Default Judgment filed by attorney for plaintiff.
Copy forwarded to attorney for defendant by attorney for plaintiff.

August 22, 1980 The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of August, 1980, Plaintiff's Praecipe for Default Judgment is hereby stricken, and the 3rd day of September, 1980, at 10 o'clock a.m., at Room 701 Transportation and Safety Building, Harrisburg, Pennsylvania, is hereby set as the date, time and place for hearing upon the Defendant's Motion to Disqualify Plaintiff's Counsel. Both parties shall be prepared to present any evidence, testimony and argument at such time." Copies forwarded to all counsel of record.



Theodore A. Adler, Esquire
Fred Specker, Esquire
Thomas B. Schmidt, III, Esquire
Thaddeus A. Tanski, Esquire

INGRASSIA CONSTRUCTION COMPANY, INC.
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relative to Motion to Disqualify only

-continued-



Hearing scheduled for September 3, 1980 continued to a later date

- August 27, 1980
- October 15, 1980 Notices of Taking Depositions of Anthony Ingrassia, Theodore A. Adler, Pcnald G. Lench, and Davis Reager filed by attorney for defendant. Copies forwarded to attorney for plaintiff (Schmidt) by attorney for defendant.
- October 31, 1980 Motion for Protective Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- November 3, 1980 Motion for Sanctions filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- November 5, 1980 (3) Requests for Production of Documents filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.
- November 12, 1980 The Board rendered the following Order: "AND NOW, this 12th day of November, 1980, upon reviewing the Motion for Sanctions filed on behalf of the Defendant, Commonwealth of Pennsylvania, Department of General Services, further reviewing the Motion for Protective Order, bearing in mind the various points of significance raised by the issue framed in this case, the Board desires that the parties, at a called conference, discuss the matters to facilitate the disposition of this case and a resolution of the question on its merits. It is ORDERED and DIRECTED that a pre-hearing conference is set for November 20, 1980, at 10 a.m. in the Court Room of the Board of Claims, Suite 707 Transportation and Safety Building, Harrisburg, Pennsylvania. In that the matters to be heard by the Board can be discussed, argued and urged by counsel for the respective parties, it is ORDERED that counsel bring with them all necessary documentation to support their positions." Copies forwarded to Mr. Adler, Mr. Schmidt and Mr. Tanski.
- November 14, 1980 Response to Motion for Sanctions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- November 20, 1980 Pre-trial Conference held in Board's Court Room at 10 a.m.
- December 1, 1980 Response to Defendant's Request for Production of Documents, Request for Production of Documents regarding Motion to Disqualify and Affidavit of Counsel filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

INGRASSIA CONSTRUCTION COMPANY, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
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Fred Speaker, Esquire and
Thomas B. Schmidt, III, Esquire
relative to Motion to Disqualify only

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CLOSED



- December 8, 1980. Motion for Protective Order, proposed Order and Motion for Stay of Discovery Proceedings filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- December 11, 1980. Motion to Compel Discovery and Response to Motion for a Protective Order filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.
- December 15, 1980. The Board rendered an Opinion and made the following Order (relative to ~~Request for Production~~ "AND NOW, this 15th day of December, 1980, the Motion for Protective Order, as filed by the Defendant and set forth in paragraphs 1, 2, 3 and 4 are denied, and the request in paragraph 5 is granted." Copies forwarded to attorney for plaintiff and attorney for defendant.
- December 17, 1980. Motion to Expedite Proceedings & for Extension of 240 Day Period for Filing that Case is Ready for Trial and proposed Order filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.
- December 19, 1980. Request for Admissions filed by Attorney for Defendant. Copy forwarded to Attorneys for Plaintiff by Attorney for Defendant.
- December 19, 1980. Preliminary Objections and proposed order filed by Attorney for Defendant. Copies forwarded to Attorney for Plaintiff by Attorney for Defendant.
- December 23, 1980. Defendant's response to Request for Production for Documents regarding its motion to disqualify filed by Attorney for Defendant. Copy forwarded to Attorney for Plaintiff by Attorney for Defendant.
- December 24, 1980. Praetice and Proposed order (regarding Preliminary Objections) filed by Attorney for Plaintiff. Copies forwarded to Attorney for Defendant by Attorney for Plaintiff.
- December 30, 1980. Testimony of pre-trial conference held November 20, 1980, filed. Copy forwarded to attorney for defendant.
- January 16, 1981. Notice of Deposition of Joseph Gambucci received from attorney for plaintiff.
- January 30, 1981. Responses to Requests for Admissions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- February 5, 1981. Requests for Admissions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- Feb. 22, 1981. Answer to request for Admissions filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

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Theodore A. Adler, Esquire
Fred Specker, Esquire
Thomas B. Schmidt, II, Esquire
Theodore A. Fanst, Esquire

Docket No 681
-continued-

Relative to Motion to
Disqualify only

FILED

April 8, 1981 Notice of Deposition of William McLaughlin and Paul F. Blauer filed by attorney for defendant. Copies forwarded to attorney for plaintiff.

April 20, 1981 Notices of Depositions of Michael A. Madar and Ronald S. Lench filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

April 22, 1981 Motion for Costs and an Attorney's Fee filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

May 4, 1981 Notice of Deposition of Michael Madar filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 11, 1981 Notice of Deposition of Ronald S. Lench, Esquire, filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

May 13, 1981 Deposition of William M. McLaughlin filed by attorney for plaintiff.

May 26, 1981 Notice of Deposition of Michael Madar filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 8, 1981 Notice of Deposition of Ronald S. Lench, Esquire filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 9, 1981 Notice of Deposition of Michael Madar filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 17, 1981 Deposition of Paul F. Plausser filed by attorney for defendant.

July 28, 1981 Deposition of Ronald S. Lench filed

August 10, 1981 Deposition of Michael A. Madar.

-OVER-

INGRASSIA CONSTRUCTION COMPANY, INC.
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Theodore A. Adler, Esquire
Thomas B. Schmidt, III, Esquire
Fred Spealer, Esquire
Thaddeus A. Tarski, Esquire

Docket No. 681
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CLOSED

MULTIPLE COPIES

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October 7, 1981 Proposed Findings of Fact, Conclusions of Law and Memorandum relative to Motion to Disqualify filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

October 7, 1981 Proposed Findings of Fact, Conclusions of Law and Memorandum relative to Motion to Disqualify filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

October 9, 1981 Reply Brief on Behalf of Widoff, Reager, Selkowitz & Adler relative to Motion to Disqualify filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

October 20, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 20th day of October, 1981, the Motion of the Department of General Services, to Disqualify the law firm of Widoff, Reager, Selkowitz and Adler, P. C., as counsel for Claimant, is hereby denied." Copies of Opinion and Order forwarded to attorneys for plaintiff and attorney for defendant.

November 11, 1981 Copy of Petition for Review as filed in Commonwealth Court received from attorney for defendant.

November 23, 1981 Petition for Review received from Commonwealth Court. (NO 2813 C. L. 1981)

November 30, 1981 Copy of Application to Quasi and for an Expedited Hearing as filed in Commonwealth Court received from attorney for plaintiffs.

December 9, 1981 Petition for Amendment of Board of Claims Order Dated 20th Day of October, 1981, filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

December 11, 1981 Response to the Petition for Amendment of the Order of October 20, 1981 filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

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VS
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DEPARTMENT OF GENERAL SERVICES

Theodore A. Adler, Esquire
Thomas B. Schmidt, III, Esquire
Fred Speiker, Esquire
Phadens A. Panski, Esquire

) relative to Motion
) to Disqualify only

Docket No. 681

CLOSED

December 22, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of December, 1981, upon reconsideration of its Order of October 20, 1981 in the above matter, the request by the Defendant for Amendment is DENIED." Copies forwarded to attorney for plaintiff and attorney for defendant.

December 28, 1981 Amended Complaint filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

January 4, 1982 File transmitted to Commonwealth Court.

January 13, 1982 Copy of Opinion as rendered by Commonwealth Court received. Order as follows: "NOW, December 21, 1981, the above petition for review is hereby quashed."

February 2, 1982 Motion of the Commonwealth of Pennsylvania Department of General Services to Strike the Amended Statement of Claim filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

February 4, 1982 Answer to Motion to Strike Amended Complaint AND Proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 5, 1982 Defendant's Answers to Plaintiff's Interrogatories to Defendant and Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 12, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 12th day of April 1982, upon consideration of the Respondent's Motion To Strike the Amended Statement of Claim together with certain Preliminary Objections filed by the respondent on or about December 19, 1980, the Board of Claims hereby DENIES the Motion To Strike the Amended Statement of Claim and DISMISSES the Preliminary Objections of December 19, 1980. The respondent is DIRECTED to file a responsive pleading to the Amended Statement of Claim within thirty (30) days. It is so ORDERED.

April 13, 1982 Copies of Opinion and Order dated April 12, 1982 forwarded to attorney for plaintiff and attorney for defendant.

INGRASSIA CONSTRUCTION COMPANY, INC.

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/s.

Theodore A. Adler, Esquire
Thomas B. Schmidt, III, Esquire) relative to Motion
Fred Speaker, Esquire) to Disqualify, only

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES.

CLOSED

FORM 301R

May 14, 1982 Answer to Amended Statement of Claim and Counterclaim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 7, 1982 Reply to Counterclaim filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

December 23, 1982 Defendant's Interrogatories Addressed to Plaintiff filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

December 23, 1982 Defendant's Request for Production of Documents Relating to the Merits of Plaintiff's Claim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 10, 1983 Defendant's Interrogatories and Request for Production of Documents Addressed to Plaintiff (2nd Set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 15, 1983 Hearing scheduled for May 18 through May 20, 1983, if necessary, in Board's Court Room at 10 a.m.

March 8, 1983 Plaintiff's Interrogatories Addressed to Defendant as well as Requests for Admissions filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

March 25, 1983 Notice of Deposition of Tom Maher filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 29, 1983 Hearing scheduled for May 24 through May 27, 1983, in Board's Court Room at 10 a.m.

April 12, 1983 Defendant's Answers to Requests for Admissions filed by defendant. Copy forwarded to attorney for plaintiff.

April 19, 1983 Notice of Depositions of Wagner-Holms-Ingilis, Inc. and Hill International, Inc. filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

INGRESSIA CONSTRUCTION COMPANY, INC
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Theodore A. Adler, Esquire
Thomas B. Schmitt, III, Esquire
Fred Speaker, Esquire
Thadeus A. Tanski, Esquire

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relative to Motion
to Disqualify only

CLOSED

April 20, 1983 Plaintiff's Answer to Defendant's Interrogatories and Request for Production of Documents Addressed to Plaintiff (Second Set) filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

April 20, 1983 Motion for Protective Order and proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

April 22, 1983 The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of April 1983, the Defendant is ORDERED to Show Cause why the request for the Depositions of the two corporations should be granted. It is further DIRECTED that this request should be made in accordance with the PA Rules of Civil Procedure. The Defendant is given five (5) days in which to file this request in accordance with the above stated." Copies forwarded to attorney for Plaintiff and attorney for defendant.

April 27, 1983 Defendant's Reply to Order to Show Cause filed by attorney for defendant. Copy forwarded to attorney for Plaintiff by attorney for defendant.

April 27, 1983 Motion for Sanctions filed by attorney for defendant. Copy forwarded to attorney for Plaintiff by attorney for defendant.

May 4, 1983 Hearings scheduled for May 18 through 20 as well as May 24 through 27, 1983, continued to a later date.

May 4, 1983 Pre-trial Conference scheduled for May 18, 1983, in Board's Court Room at 10 a.m.

May 5, 1983 Hearing scheduled for September 13 through 16, September 20 through 23, as well as September 27 through 29, 1983, if necessary, in Board's Court Room at 10 a.m.

May 6, 1983 Defendant's Answer to Plaintiff's Interrogatories Addressed to Defendant filed by attorney for defendant. Copy forwarded to attorney for Plaintiff by attorney for defendant.

[Handwritten signature]

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Henry J. Costa, Jr., Esquire

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May 13, 1983 Defendant's Supplemental Interrogatories Addressed to Plaintiff (2nd Set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 18, 1983 Pre-trial Conference held in Board's Court Room at 10 a.m.

May 25, 1983 Plaintiff's Answers to Defendant's Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

May 27, 1983 Defendant's Supplemental Answers to Plaintiff's Interrogatories Addressed to Defendant filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 2, 1983 Testimony of pre-trial hearing held May 18, 1983 filed.

June 6, 1983 Copy of testimony of pre-trial hearing held May 18, 1983 forwarded to attorney for defendant.

June 8, 1983 Notices of Deposition of Wesley F. Mikes, Alfred C. Keil, Ellis J. Serdikoff, Stanley Daniels, Thomas Mangan, William Phillips, Robert Martin, Michael Harvath, Richard Walsh and Richard Hughes filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

June 10, 1983 Notice of Deposition of Allan C. Bidelglass, John Singt and Archie Ingrassia filed.

June 13, 1983 Plaintiff's Interrogatories to Defendant (Third Set) filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 15, 1983 Supplemental Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 15, 1983 Requests for Admissions filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 16, 1983 Amended Supplemental Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

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June 15, 1983 Notice of Deposition of Kenneth Rebman filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 17, 1983 Deposition of S. Leonard DiDonato filed.

June 27, 1983 Deposition of Thomas R. Maher filed.

June 24, 1983 Plaintiff's Answer to Defendant's Supplemental Interrogatories Addressed to Plaintiff (Third Set) filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 30, 1983 Second Amended Complaint filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 5, 1983 Answers to Requests for Admissions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 13, 1983 Hearing held in Board's Court Room at 10:00 a.m. Case settled.

September 27, 1983 Testimony of hearing held September 11, 1983 filed.

September 28, 1983 Copy of testimony of hearing held September 13, 1983 forwarded to attorney for defendant.

October 19, 1983 Praecipe filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

November 4, 1983 The Board made the following Order: 'AND NOW, this 4th day of November, 1983, upon receipt of Praecipe, executed by Theodore A. Adler, Esquire on behalf of Plaintiff, Ingrassia Construction Company, Inc., some of which is docketed with this Board under date of October 19, 1983, 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.