

ACME FABRICATORS AND WELDERS, INC. and
GREULICH, INC.

James C. Larrimer, Esquire

Docket No. 690

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Esquire~~
Mark F. Brancato, Esquire

CLOSED



May 22, 1980

Complaint and filing fee filed. Amount of claim: \$59,869.97.

May 23, 1980

Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

June 17, 1980

Preliminary Objections and Brief filed by attorney for ~~plaintiff~~ defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

July 17, 1980

Brief in Opposition to POs filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

October 22, 1980

The Board rendered in Opinion and made the following Order: "AND NOW, this 22nd day of October, 1980, the request of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is hereby denied. Defendant is given thirty (30) days in which to file a responsive pleading." Copies forwarded to attorney for plaintiff and attorney for defendant.

October 23, 1980

Petition for Certification of Controlling Issues of Law for Interlocutory Appeal by Permission filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

November 3, 1980

Plaintiff's Answer to Defendant's Petition for Certification filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

December 12, 1980

The Board rendered an Opinion and made the following Order: "AND NOW, this 12th day of December, 1980, the request of the Defendant, Commonwealth of Pennsylvania, Department of Transportation, is hereby denied." Copies forwarded to attorney for plaintiff and attorney for defendant. *(Interlocutory Appeal)*

December 12, 1980

Motion for Judgment Against Defendant for Failure to File an Answer filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

December 12, 1980

Petition for Stay of Proceedings and Response to Motion for Judgment Against Defendant for Failure to File an Answer filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

December 19, 1980

Copy of Defendant's Petition for Review as filed in Commonwealth Court.

January 6, 1981

Petition for Review filed by Commonwealth Court.

ACME FABRICATORS & WELDERS, INC. and
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Mark F. Brancato, Esquire

January 8, 1981

Answer to Petition for Stay of Proceedings filed by attorney for plaintiff. Copy forwarded to attorney for defendant,
by attorney for plaintiff.

January 14, 1981

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

January 23, 1981

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

February 6, 1981

The Board rendered an Opinion and made the following Order: "AND NOW, this 6th day of February, 1981, the
Petition of the Defendant, entitled "Petition for Stay of Proceedings", is hereby denied." Copies forwarded to
attorney for plaintiff and attorney for defendant.

February 6, 1981

The Board rendered an Opinion and made the following Order: "AND NOW, this 6th day of February, 1981, the
request of the Plaintiff in the nature of a Motion for Judgment Against the Defendant for Failure to File an Answer
is hereby denied." Copies forwarded to attorney for plaintiff and attorney for defendant.

February 13, 1981

File transmitted to Commonwealth Court.

March 6, 1981

Principles for Trial Date filed by attorney for plaintiff. Copy forwarded to attorney for defendant
by attorney for plaintiff.

March 20, 1981

Motion for Judgment on the Pleadings and Brief in Support filed by attorney for defendant.
Copy forwarded to attorney for plaintiff by attorney for defendant.

April 1, 1981

Response to Motion for Judgment in the form of a letter dated March 30, 1981, filed by attorney
for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 3, 1981

Reply to Plaintiffs' Response to Motion for Judgment on the Pleadings filed by attorney for
defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 22, 1981

The Board rendered an Opinion and made the following Order:

"AND NOW this 22 day of April, 1981, the request of the Defendant for Motion for Judgment
on the Pleadings is hereby denied."

over

ACME FABRICATORS & WELDERS, INC. and
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VS

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

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Docket No. 690

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CLOSED

MAILED FOR 1988

FORM
30 FR

September 15, 1981 Copy of order dated January 8, 1981 received from Commonwealth Court. Order as follows:
"NOW, January 8, 1981, petitioner's petition for review is hereby dismissed for the reason that this Court is of the opinion that the order of the Board of Claims, dated December 12, 1980, denying petitioner's petition for certification is not so egregious as to justify prerogative appellate correction."

February 16, 1982 Hearing scheduled for April 30 through April 23, 1982, if necessary, in Board's Court Room at 10 a.m.

February 16, 1982 Request for Production of Documents; Requests for Admissions; and Defendant's First Set of Continuing Interrogatories to Plaintiffs filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

Feb. 19, 1982 Certificate of Service of Interrogatories filed by plaintiff. Interrogatories forwarded to defendant by plaintiff.
February 22, 1982 Objections to Interrogatories to the Department of Transportation filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 26, 1982 Written Interrogatories filed/attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 8, 1982 Response to Plaintiffs' Reply to the Department's Objections to Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 29, 1982 Motion for Sanctions For Failure To Respond To Defendant's Interrogatories And Request For Admissions And Production Of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 30, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 30th day of March, 1982, upon a review of the Objections to Interrogatories, the Plaintiff's Petition of March 1, 1982, treated as a formal reply and Defendant's response to same, the Board sustains the Defendant's Objections to Plaintiff's Interrogatories."

March 31, 1982 Copies of Opinion and Order dated March 31, 1982 forwarded to attorney for plaintiff and attorney for defendant.

CLOSED

Mark F. Brancato, Esquire

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

[illegible]

Request for Production of Documents filed by attorney for defendant.
by attorney for defendant. Copy forwarded to attorney for plaintiff.

April 14, 1982 Plaintiff's Answers to Defendant's First Set of Continuing Interrogatories to Plaintiffs filed by attorney for
Plaintiff Case forwarded to attorney for defendant by attorney for plaintiff.

April 9, 1982

April 19 1982 File returned from Commonwealth Court.

DATE	TIME	LOCATION
April 20, 1982	Hearing held in Board's Court / at 10:00 a.m.	

March 31 1962	Hearing held in Board's Court Room at 10:00 a.m.	Case completed.
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May 10 1982

Mar 11 1987	Copies of testimony of hearing held April 20 and 21, 1982, forwarded to attorney for defendant.
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June 10, 1982

Plaintiff's Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for plaintiff

Copies forwarded to attorney for defendant by attorney for plaintiff.

July 2, 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.

November 1, 1983 The Board rendered an Opinion and made the following Order: AND NOW, this 1st day of November, 1983, after hearing held and upon review of the briefs submitted by counsel for the parties, the Board of Claims finds in favor of Defendant, Commonwealth of Pennsylvania, Department of Transportation and against Plaintiffs, Acme Fabricators & Welders, Inc. and Graulich, Inc. Each party to pay its own costs."

November 4, 1983
 Copies of Order dated November 1, 1983 forwarded to Mr. Larrimer and Mr. Brancato.

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November 18, 1983 Copy of Petition for Review as filed in Commonwealth Court received from attorney for plaintiff.

November 23, 1983 Petition for Review received from Commonwealth Court. (No. 3203 C. D. 1983)

December 23, 1983 File transmitted to Commonwealth Court.

January 22, 1985 Copy of Opinion and order received from Commonwealth Court. Order as follows:
"The Order of the Board of Claims, Docket No. 690 dated November 1, 1983, is affirmed."

March 27, 1985 File returned from Commonwealth Court.