

CITY OF PITTSBURGH
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

Marvin A. Fein, Counsel

Docket No. 692

CLOSED

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
George D. Wenzick, Esquire

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FORM 30-PR

May 27, 1980 Complaint and filing fee filed. Amount of claim: \$66,599.66. Copies forwarded to attorney for defendant and Deputy Attorney General.

June 6, 1980 Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 20, 1980 Plaintiff's Response to Defendant's Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 23, 1980 Application to Take Deposition of C. D. Palmer as well as Notice of Deposition of C. D. Palmer filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 2, 1980 Brief in Support to Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 4, 1980 Brief in Opposition to Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

August 26, 1980 The Board rendered an Opinion and made the following Order: "AND NOW, this 26th day of August, 1980, the request of the Defendant in the nature of a Demurrer is hereby denied, and the Defendant is given thirty (30) days in which to file responsive pleadings." Copies forwarded to attorney for plaintiff and attorney for defendant.

Sept. 12, 1980 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

Sept. 26, 1980 Answer to New Matter ~~and Motion to Strike~~ filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

Jan. 22, 1981 Memorandum in Support of Motion to Strike filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 4, 1981 Brief in Opposition to Motion to Strike filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

over

CLOSED

Marvin A. Fein, Counsel
George D. Wenick, Esq.

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-continued-

July 24, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 24th day of July, 1981, for the reasons herein set forth, the Plaintiff's Motion to Strike is granted and the allegations contained in paragraph seven (7) of the Complaint are deemed to be admitted. Copies of Opinion and Order forwarded to attorney for plaintiff and attorney for defendant.

August 18, 1981 Hearing scheduled for October 28, 29 and, if necessary, October 30, 1981, before Western District, to be held in Room 1605, Pittsburgh State Office Building, Pittsburgh, Pennsylvania, commencing at 10 a.m.

October 28, 1981 Hearing held in Room 1605, Pittsburgh State Office Building, Pittsburgh, Pennsylvania (WESTERN DISTRICT) at 10 a.m.

October 29, 1981 Hearing held in Room 1605, Pittsburgh State Office Building, Pittsburgh, Pennsylvania (WESTERN DISTRICT, at 1:00 p.m. case completed.

December 2, 1981 Testimony of hearing held October 28 & 29, 1981, filed. Copies forwarded to attorney for defendant.

January 6, 1982 Proposed Findings of Fact & Conclusions of Law submitted by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

February 23, 1982 Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 16, 1982 Report of Hearing Panel filed by Mr. Lampedel and Mr. Petermel.

June 2, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 2nd day of June, 1982, it is hereby ORDERED and DECREED that this matter is remanded to our Western Panel for the purpose of the taking of additional evidence in the nature of the direct testimony and cross-examination thereof of C. D. Palmer". Copies forwarded to attorney for plaintiff and attorney for defendant.

June 2, 1982 Hearing scheduled for July 14, 1982, before WESTERN DISTRICT, to be held in Room 1603, Pittsburgh State Office Building, Pittsburgh, Pennsylvania, commencing at 10 a.m.

July 14, 1982 Hearing held in Pittsburgh State Office Building commencing at 9:30 a.m. Case continued.

July 30, 1982 Panel Opinion received from Western Panel.

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DEPARTMENT OF TRANSPORTATION

Mervin A. Fein, Counsel

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August 6, 1982 Testimony of hearing held July 1, 1982 filed. Copy forwarded to attorney for defendant.

December 1, 1982 The Board rendered an opinion and made the following Order: 'AND NOW, this 1st day of December, 1982, we find in favor of the Defendant, Commonwealth of Pennsylvania, Department of Transportation and against the Plaintiff, City of Pittsburgh. Both parties must pay their respective costs.'

December 6, 1982 Copies of Opinion and Order dated December 1, 1982 forwarded to attorney for defendant and attorney for plaintiff.

January 10, 1983 Copy of Petition for Review as filed in Commonwealth Court received from attorney for Plaintiff.

January 19, 1983 Petition for Review received from Commonwealth Court. (No. 38 C. D. 1983)

February 10, 1983 File transmitted to Commonwealth Court.

April 15, 1986 Praecepto to Discontinue as filed by D. R. Pellegrini on behalf of Plaintiff received from Commonwealth Court.

April 15, 1986 Copy of Order received from Commonwealth Court. Order as follows: "Notice of Discontinuance This is to notify you that the above-captioned matter has been withdrawn, discontinued and ended.

April 15, 1986 File returned from Commonwealth Court.