

HERBERT R. INET, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

Wayne McKeever, Esquire

Docket No. 706

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~~XXXXXXXXXXXXXXXXXXXX~~
John J. Bucy, Jr., Esquire

CLOSED

July 23, 1981 Amended Request for Production of Documents filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 24, 1981 Defendant's Response to Plaintiff's Amended Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

July 27, 1981 Plaintiff's Response to Defendant's Request for Production of Documents as well as Answers to Defendant's Interrogatories to Plaintiff (1st Set) filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

July 29, 1981 Hearing held in Pittsburgh State Office Building ~~XXXXXXXXXXXXXXXXXXXX~~ at 10 a.m. WESTERN DISTRICT

July 30, 1981 Hearing held in Pittsburgh State Office Building ~~XXXXXXXXXXXXXXXXXXXX~~ at 10 a.m. WESTERN DISTRICT Case Completed.

August 10, 1981 Motion to Continue Hearing for the Alternative Motion to Dismiss as well as 2 proposed Orders filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

August 19, 1981 Answers to Plaintiff's Motion for Continuance and New Matter as well as Answer to Plaintiff's Motion to Dismiss and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 8, 1981 Testimony of hearing held July 29 and 30, 1981 filed. Copy forwarded to attorney for defendant.

September 14, 1981 Plaintiff's Reply to New Matter of Defendant's Answer to Motion for Continuance filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 15, 1981 Brief in Opposition to Plaintiff's Motion for Continuance and Motion to Dismiss filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 17, 1981 Motion for Leave to Amend Statement of Claim and Amended Statement of Claim filed by Ms. McKeever. Copy forwarded to attorney for defendant by attorney for plaintiff.

over

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Joyce McKeever, Esquire

HERBERT R. IMBT, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

John J. Buchy, Jr., Esquire

CLOSED

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September 21, 1981	Brief in Support of Plaintiff's Motion to Continue Hearing, etc. filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
October 9, 1981	Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
November 4, 1981	Answer to Plaintiff's Motion to Amend Statement of Claim with New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
November 10, 1981	Brief in Opposition to Plaintiff's Motion for Leave to Amend Statement of Claim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
November 18, 1981	Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
November 23, 1981	Petition for Order Compelling Submission of Documents to the Board filed by attorney for attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
November 27, 1981	Memorandum of Law in Response to Defendant's Brief in Opposition to Plaintiff's Motion for Leave to Amend Statement of Claim and Affidavit verifying the facts set forth in the Petition for Order Compelling Submission of Documents filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
December 7, 1981	Motion for Protective Order and Objections to Plaintiff's Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
December 11, 1981	Brief in Support of Motion for Protective Order and Objections to Plaintiff's Request for Production of Documents filed by attorney for defendant. Copies forwarded to attorney for Plaintiff.
December 16, 1981	Plaintiff's Response to Defendant's Motion for Protective Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

Joyce McKeever, Esquire

HERBERT R. IMBT, INC.

VS.

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DEPARTMENT OF TRANSPORTATION

John J. Buchy, Jr., Esquire

CLOSED

March 16, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 16th day of March, 1982, Plaintiff's Motion for Continuance is hereby GRANTED. Plaintiff's Motion to Amend its Statement of Claim is hereby GRANTED; Plaintiff's Petition to Compel Submission of Documents is DENIED and Defendant's Motion for a Protective Order is DENIED."

March 18, 1982 Copies of Opinion and Order dated March 16, 1982, forwarded to attorney for plaintiff and attorney for defendant.

May 21, 1982 Hearing Panel report filed by Mr. Campedel and Mr. Petermel.

June 18, 1982 Hearing scheduled for July 28, 29, and if necessary July 30, 1982, before (WESTERN DISTRICT) to be held in Room 1603, Pittsburgh State Office Building 300 Liberty Avenue, Pittsburgh, Pennsylvania, commencing at 10 a.m.

July 8, 1982 Amended Proposed Findings of Fact and Conclusions of Law filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 8, 1982 Stipulation of Facts filed by parties.

July 9, 1982 The Board made the following Order: "This matter was set down for additional hearing for the dates of July 28, 29 and 30, 1982, inclusive. The purpose of same was to permit Herbert R. Imbt to establish its damages because the Commonwealth of Pennsylvania, Department of Transportation had postponed beyond the original trial date of making its planned deductions from Common Borrow. It being now established that the parties have stipulated that the amount of the postponed deductions, which is the damages sustained in this claim, is 1,927 cubic yards (stipulation of Facts, par 3) AND NOW, to wit, there being no need for the additional hearing dates, said hearing dates are cancelled. The matter is to be presented to the Board on Amended Proposed Findings of Facts, Conclusions of Law and Memorandum of Law in Support thereof, as submitted by the respective counsel. The Board, when in receipt of same, will render its Opinion." Dated: July 9, 1982. Copies forwarded to attorney for plaintiff and attorney for defendant.

August 6, 1982 Amended Proposed Findings of Fact, Conclusions of Law, and Brief filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

Continued

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(Continued)

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CLOSED



August 23, 1982

Reply of Plaintiff to Supplemental Brief of Defendant's Proposed Findings of Fact and Conclusions of Law filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 3, 1983

The Board rendered an Opinion and made the following Order: "AND NOW, this 3rd day of March, 1983, judgment is awarded in favor of Plaintiff, Herbert R. Imbt, Inc. and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation in the sum of \$14,386.84, together with interest thereon, at the legal rate of six (6%) per cent per annum from February 4, 1980. Each party to bear their own costs."

March 8, 1983

Copies of Opinion and Order dated March 3, 1983 forwarded to attorney for plaintiff and attorney for defendant.