

OLD LYCOMING TOWNSHIP and
CITY OF WILLIAMSPORT

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

Scott A. Williams, Esquire

Docket No. 724

CLOSED

Kenneth L. Sable, Esquire and
John J. Bucby, Jr., Esquire



FBI
SEFR

MD 10-10-80

December 19, 1980 Complaint and filing fee filed. Amount of claim: \$10,000.00+.

January 5, 1981 Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

February 3, 1981 Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 13, 1981 Amended Complaint filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 25, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 25th day of March, 1981, the Defendant is DIRECTED to file an Answer and New Matter or Counterclaim as such within thirty (30) days of the date of this Opinion." Copies forwarded to attorney for plaintiff and attorney for defendant.

March 26, 1981 Answer to Amended Complaint and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 22, 1981 Request for Production of Documents and Interrogatories filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

June 22, 1981 Response to First Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

June 22, 1981 Interrogatories and Answers thereto filed by the parties.

July 27, 1981 Reply to New Matter filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

September 3, 1981 Defendant's Interrogatories to Plaintiff Old Lycoming Township, First Set filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

September 3, 1981 Defendant's Interrogatories to Plaintiff City of Williamsport, First Set, filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

September 3, 1981 Defendant's Request for Production of Documents by Plaintiff, Old Lycoming Twp., filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

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September 3, 1981 Defendant's Request for Production of Documents by Plaintiff, City of Williamsport, filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

November 13, 1981 Answers to Interrogatories to Old Lycoming Township filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

November 13, 1981 Answers to Interrogatories to City of Williamsport filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 4, 1982 Notice of Taking Deposition on Oral Examination under Pa. R.C.P. 4007.1 filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 8, 1982 Hearing scheduled for April 14, 15 and if necessary 16, 1982, before Eastern District, to be held in Pottsville City Council Chambers, commencing at 10 a.m.

March 10, 1982 Plaintiff's Second Set of Interrogatories to Defendant, Commonwealth of Pennsylvania, filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

March 12, 1982 Motion to Dismiss Objections to Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant. (Old Lycoming Township)

March 12, 1982 Motion for Sanctions for Failure to Serve Sufficient Answers to Interrogatories filed by (Old Lycoming Township) attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 12, 1982 Motion for Sanctions for Failure to Serve Sufficient Answers to Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant. (City of Williamsport)

March 12, 1982 Motion to Dismiss Objections to Interrogatories filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant. (City of Williamsport)

March 15, 1982 Notice of Taking Depositions of I. L. Erdley, R. H. Haase and Kenneth C. Larson, Jr. filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

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CLOSED

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MULTI-FIELD COLUMNAR



FORM 30-R

MADE IN U.S.A.

- March 16, 1982 Motion for Protective Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- March 17, 1982 Answer to Motion for Protective Order with New Matter AND Brief in Opposition to Motion for Protective Order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- March 23, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 23rd day of March, 1982, it is DIRECTED that the Motion for Protective Order be DISMISSED, and that The Chester Engineers, Inc. present its proper witnesses on March 23, 1982 at 10:30 a.m. and to bring with them such documents as are set forth in the Exhibit A, attached to the Subpoena with Dues Tecum. The witness fee rate as prescribed by statute shall be in full force and effect, mileage to and from the place of deposition shall be at the new rate which is established under the statutes and in the event said witnesses are required to stay overnight, then if that event, the Commonwealth shall be obligated to furnish said sum or said sums in reimbursement for lodging expenses and evening meal. In the event that The Chester Engineers, Inc. fails to comply with this Order, then in that event, this Board will issue Sanctions to the effect that said The Chester Engineers, Inc. or its employees shall not be permitted to testify and such other determination that the Board deems meet. Copies forwarded to attorney for plaintiff, attorney for defendant, Chester Engineers, Inc. and attorney for Chester Engineers, Inc.
- March 23, 1982 Plaintiff's Supplemental Answers to Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- March 26, 1982 Hearing scheduled for April 28 through April 30, 1982, if necessary, Eastern District, to be held in Pottsville City Council Chambers, commencing at 10 a.m.
- March 30, 1982 Notice Of Taking Depositions of L. L. Erdley, R. R. Haase and Kenneth C. Larson, Jr., filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- April 1, 1982 Motion for a Protective Order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- April 5, 1982 The Board rendered an Opinion and made the following Order: "Oral depositions are permitted to be taken of Kenneth C. Larson, Jr., Robert Haase and Larry Erdley at 9:00 a.m. at the place designated. Larry Erdley however need not be present until 1:45 p.m. Further, it is Directed that the Commonwealth need

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April 5, 1982 (cont) not identity or present at the time of taking depositions, the various personnel requested by Plaintiff. Further, the Commonwealth need not produce all documents and correspondence relative to the Commonwealth's dealings with Old Lycoming Township or City of Williamsport in that these matters may be unrelated and there is not sufficient time in which the Commonwealth is able to gather said documents. Further, for the production of documents pertaining to "sewer", said documents are restricted to the "atomic Street Storm Sewer". Dated: April 5, 1982

April 9, 1982 Plaintiff's Second Supplemental Answer to Defendant's Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 14, 1982 Hearing held this date in Pottsville City Hall Council Chambers (Eastern District) commencing at 1:00 p.m. (Court reporter from Monick not present until 1 o'clock).

April 15, 1982 Hearing held in Pottsville City Hall Council Chambers (Eastern District) commencing at 10:00 a.m.

April 16, 1982 Hearing held in Pottsville City Hall Council Chambers (Eastern District) commencing at 10:00 a.m. Case continued.

April 22, 1982 Plaintiff's Second Set of Interrogatories to Defendant, Commonwealth of Pennsylvania filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 26, 1982 Plaintiffs' Third Supplemental Answers to Defendant's Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 27, 1982 Hearing scheduled for additional dates of May 26, 27 and if necessary May 28, 1982, before the Eastern District. to be held City Hall Council Chambers, Pottsville, Pennsylvania, commencing at 10 a.m.

April 28, 1982 Hearing held in City Hall Council Chambers, Pottsville, Pennsylvania (EASTERN DISTRICT) at 10 a.m. Case Completed. Additional hearing dates not necessary.

May 10, 1982 Hearing Panel Report filed.

May 17, 1982 Testimony of hearing held April 14, 15, 16 and 28, 1982 filed.

May 21, 1982 Copies of testimony of hearing held April 14, 15, 16 and 28, 1982 forwarded to attorney for defendant.

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FORM
31FR

July 14 1982

The Board made the following Order: "The Eastern Panel of the Board of Claims met on April 28, 1982, as scheduled. John J. Buchy, Jr., Esquire, appearing on behalf of the Commonwealth, informed the Panel that a settlement had been reached by the parties for the payment of an undisclosed amount to be paid by the Commonwealth to the Plaintiffs. Further, it was set forth that the settlement had been approved to be contained from the Federal Highway Administration. During the hearing, Scott A. Williams, Esquire, representing the Plaintiffs, was reached by telephone. He confirmed Mr. Buchy's statement as to settlement, adding that he has obtained initial approval by the Township, and expected formal approval by both Plaintiffs. His conversation was made of record. On the basis of counsel's statement, the Board ORDERS and DIRECTS that said case be marked 'closed of record with prejudice.' In the event, however, that all necessary approvals are not cleared, then, in that event, the Board shall entertain a Petition to Open Up the Record to enter into a full hearing." Dated: July 14, 1982. Copies forwarded to attorney for plaintiff and attorney for defendant.

October 1, 1982

Præcipe filed by plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

October 1, 1982

The Board made the following Order: "AND NOW this 1st day of October, 1982, upon receipt of Præcipe, executed by Scott A. Williams, Esquire, on behalf of Plaintiffs, Old Lycoming Township and City of Williamsport, same of which is docketed with this Board under date of October 1, 1982, it is ORDERED and DIRECTED that said case be marked "settled, discontinued and entered with prejudice."

October 4, 1982

Copies of Order dated October 1, 1982 forwarded to attorney for plaintiff and attorney for defendant.