

Ronald H. Silverman, Esquire
Henry J. Josta, Jr., Esquire

T. N. WARD COMPANY
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES
VS.

CLOSED

THE KLING PARTNERSHIP
FORM 30-PR

March 13, 1981 Complaint and filing fee filed. Amount of claim: \$59,763.63

March 17, 1981 Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

April 23, 1981 Preliminary Objections, Memorandum of Law and proposed Order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 1, 1981 Amended Request for Arbitration filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

May 6, 1981 Preliminary Objections to Amended Request for Arbitration, Memorandum in support and proposed Order filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 15, 1981 Claimant's Answer to Preliminary Objections of Defendant and proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for defendant.

June 30, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 30th day of June, 1981, upon due consideration of the request and Briefs as filed by both parties, the Preliminary Objections, as set forth by the Defendant, are hereby denied. The Defendant is given thirty (30) days in which to file a responsive pleading." Copies of Opinion and Order dated June 30th, 1981 forwarded to attorney for plaintiff and attorney for defendant.

June 29, 1981 Plaintiff's Answers to Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 7, 1981 Plaintiff's Request for Production of Documents and Things filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 27, 1981 Defendant's Response to Plaintiff's Request for Production of Documents and Things filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

- OVER -

T. N. VARD COMPANY

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES
VS.
THE KLING PARTNERSHIP

Fonald H. Silverman, Esquire and
Francis X. Clark, Esquire -continued-
Henry J. Costa, Jr., Esquire

Docket No. 740

CLOSED

July 31, 1981 Answer with Counterclaim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

August 27, 1981 Complaint Against Additional Defendants filed by attorney for defendant. Copy served upon additional defendants by Sheriff. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 9, 1981 Answer to Counterclaim filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for defendant.

September 10, 1981 Plaintiff's Motion to Compel Production of Documents and Memorandum of Law, Plaintiff's Interrogatories to Defendant (list) set, and Plaintiff's Deposition of Kling Partnership on Written Interrogatories filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

September 16, 1981 Defendant's Reply to Plaintiff's Motion to Compel Production of Documents and Memorandum of Law filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 21, 1981 The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of September, 1981, the Board DIRECTS the Commonwealth of Pennsylvania, Department of General Services, to comply with Plaintiff's request for production of documents and things. If the Commonwealth has fully complied therewith prior to this Order, then in that event, this Order shall have no force and effect. In the event there are documents and things which are relevant to this case and upon which the Commonwealth plans to rely on in defense of its case, then in that event, such documents and things are DIRECTED to be made available to Plaintiff for review, study and photocopying in the offices of the Commonwealth's central file room in Harrisburg, Pennsylvania, at a time convenient for both parties."

September 22, 1981 Copies of Opinion and Order dated September 21, 1981, forwarded to attorney for plaintiff and attorney for defendant and The Kling Partnership.

September 28, 1981 Defendant's Answers to Plaintiff's Interrogatories (list set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

Ronald H. Silverman, Esquire
Henry J. Costa, Jr., Esquire

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January 27, 1982 Plaintiff, T.N. Ward Company's, Answers to Additional Defendants', Vincent G. Kling, et al., Interrogatories Addressed to Claimant filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 29, 1982 Defendant's Request for Production of Documents Addressed to Claimant filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

July 29, 1982 Hearing scheduled for September 21, 22, 23 and if necessary September 28, 1982, before (Eastern District), to be held in City Hall Council Chambers, Pottsville, commencing at 10 a.m.

August 13, 1982 Notice of Deposition of Philip Ciguira, filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 1, 1982 Request for Admissions, Motion to Limit Time to Reply to Request for Admissions and proposed Order filed by attorneys for plaintiff. Copies forwarded to attorney for defendant by attorneys for plaintiff.

September 3, 1982 The Board made the following Order: "AND NOW, this 3rd day of September, 1982, upon consideration of Plaintiff's, T.N. Ward Company, Motion to Limit Time for Reply to Request for Admissions and Memorandum in Support thereof, it is hereby Ordered and Decreed that time for Defendant, Commonwealth of Pennsylvania, Department of General Services, and additional Defendants, Vincent G. Kling, et al, to reply to Plaintiff's Request for Admissions is limited to twenty (20) days. However failure to abide by this limitation will not be a cause on behalf of either party for a continuance of this case." Copies forwarded to attorney for plaintiff and attorney for defendant.

September 9, 1982 Plaintiff's Second Set of Interrogatories to Defendant and Additional Defendants as well as Motion to Limit Time to Answer Second Set of Interrogatories and proposed Order filed by attorney for plaintiff. Copies forwarded to all parties of record by attorney for plaintiff.

OVER
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Ronald H. Silverman, Esquire
Henry J. Costa, Jr., Esquire

T. N. WARD COMPANY
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September 10, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 10th day of September, 1982, the Motion to Limit the Time to Answer Plaintiff's Second Set of Interrogatories to Defendant and Additional Defendants is granted to the effect that said Defendant and Additional Defendants shall due their utmost to make answer to said Interrogatories on September 21, 1982 at 10 a.m. at the place of hearing before the Eastern Panel of this Board, sitting in Pottsville, Pennsylvania. It is further Ordered and Directed that under no circumstances shall delay in answering the said Interrogatories by the time and place set forth herein be a good and sufficient reason for a continuance of this matter." Copies forwarded to attorney for plaintiff and attorney for defendant.

September 17, 1982 Answers of Additional Defendants to Claimant's Requests for Admissions filed by attorney for additional defendants. Copies forwarded to all counsel of record by attorney for additional defendants.

September 20, 1982 Answers to Request for Admissions as well as Answers to Interrogatories filed by attorney for defendant. Copies to be hand delivered to all counsel of record at hearing on September 21, 1982 by attorney for defendant.

September 21, 1982 Hearing held in City Hall Council Chambers, Pottsville, Pennsylvania beginning at 10 a.m.

September 22, 1982 Hearing held in City Hall Council Chambers, Pottsville, Pennsylvania beginning at 10 a.m.

September 23, 1982 Hearing held in City Hall Council Chambers, Pottsville, Pennsylvania, beginning at 9:30 a.m.

September 23, 1982 Answers and objections of Additional Defendants to Claimant's Interrogatories (2nd Set). Copies hand-delivered at time of hearing to all counsel of record by attorney for additional defendants.

October 22, 1982 Testimony of hearing held September 21, 22 and 23, 1982 filed.

October 25, 1982 Copies of testimony of hearing held September 21, 22 and 23, 1982 forwarded to attorney for defendant.

T. N. WARD COMPANY

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Ronald H. Silverman, Esquire

Henry J. Costa, Jr., Esquire

Docket No. 740

-continued-

CLOSED

November 22, 1982 Brief for the Claimant, T.N. Ward Company filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

January 12, 1983 Respondent's Proposed Findings of Facts, Conclusions of Law and a Memorandum of Law in Support thereof filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 14, 1983 Claimant's Proposed Findings of Fact and Conclusions of Law filed by attorney for plaintiff. Copy forwarded to all parties of record by attorney for plaintiff.

February 15, 1983 Proposed Findings of Fact and Proposed Conclusions of Law filed by attorney for additional defendants. Copy forwarded to all parties of record by attorney for additional defendants.

February 17, 1983 Memorandum of Law filed by additional defendants. Copy forwarded to all parties of record.

March 3, 1983 Revised Memorandum of Law (Deleting Exhibits "A" and "B") of Additional Defendants Vincent G. Kling et al. in Support of their Proposed Findings of Fact and Conclusions of Law filed by attorney for attorney for additional defendants. Copies forwarded to all parties of record.

July 8 1983 Panel Opinion filed.

April 16, 1984 The Board rendered an Opinion and made the following Order: "AND NOW, this 16th day of April, 1984, upon due consideration of the evidence and submissions of the parties in this matter, it is hereby ORDERED that the Board of Claims finds in favor of the Plaintiff T. N. Ward Company, and against the Defendant, Commonwealth of Pennsylvania, Department of General Services, in the amount of \$41,403.37 plus interest from December 22, 1980. All Claims which have been raised against the Additional Defendants, Vincent G. Kling, et al, are hereby DISMISSED. Each party to bear its own costs."

April 19, 1984 Copies of Opinion and Order dated April 16, 1984 forwarded to all parties of record.

May 14, 1984 Copy of Petition for Review filed by attorney for Defendant.

May 23, 1984 Petition for Review filed by Commonwealth Court. (No. 1360 C. D. 1984)

Ronald H. Silverman, Esquire

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June 26, 1984

File transmitted to Commonwealth Court.

July 1, 1985

Copy of Opinion and Order received from Commonwealth Court: order as follows: NOW, July 9, 1985, the order of the Board of Claims at Docket No. 740, dated April 16, 1984, is hereby affirmed."

December 11, 1985

File returned from Commonwealth Court.

December 24, 1985

Praecepte of Satisfaction signed by attorney for Plaintiff and filed by attorney for Defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 14, 1986

The Board made the following Order: "AND NOW, this 14th day of January, 1986, the Board is in receipt of a Praecepte of Satisfaction filed under date of December 24, 1985. In that the Praecepte of Satisfaction was over the signature of Ronald H. Silverman, Esquire and joined in by correspondence over the signature of Thomas M. Devlin, Assistant Counsel, and the case having been paid in full with interest on the Judgment, the case shall be marked satisfied and discontinued with prejudice." Copy forwarded to attorney for plaintiff and attorney for defendant.