

Docket No. 745

Charles S. Smith, Esquire

BUSHKILL-LOWER LEHIGH JOINT SEWER AUTHORITY

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

XXXXXXXXXXXXXXXXXXXX
Mark F. Garber, Jr., Esquire (Dept. of Justice)
(Torts Litigation Unit)

CLOSED

- March 30, 1981 Complaint and filing fee filed. Amount of Claim: \$2,666,820.00.
- April 2, 1981 Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.
- July 6, 1981 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
- July 30, 1981 Reply to New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
- August 18, 1982 Hearing scheduled for October 26 through 29, 1982, if necessary in Board's Court Room at 10 a.m.
- August 25, 1982 Additional Hearing dates of November 3, 4 and 5, 1982, if necessary, scheduled in Board's Court Room at 10 a.m.
- October 26, 1982 Hearing held in Board's Court Room at 10 a.m.
- October 27, 1982 Hearing held in Board's Court Room at 10 a.m.
- October 28, 1982 Hearing held in Board's Court Room at 10 a.m.
- October 29, 1982 Hearing held in Board's Court Room at 10 a.m.
- November 3, 1982 Testimony of Lewis Wolfe at hearing held on October 26 and 27, 1982 received from Mohrbach and Marshal, Inc. Copy forwarded to attorney for defendant.
- November 3, 1982 Hearing held in Board's Court Room at 10 a.m.
- November 4, 1982 Hearing held in Board's Court Room at 10 a.m.
- November 5, 1982 Hearing held in Board's Court Room at 10 a.m.

OVER

BUSHKILL-LOWER LEHIGH JOINT SEWER AUTHORITY
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Charles S. Smith, Esquire
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Mark E. Garber, Jr., Esquire (Dept. of Justice)
LITIGATION UNIT

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VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

November 5, 1982 Plaintiff's Trial Memorandum filed by attorney for Plaintiff at time of hearing.
Copies distributed at time of hearing.

November 5, 1982 Motion for Summary Judgment of Defendant and Motion to Dismiss for Lack of Jurisdiction
and Brief in Support filed by attorney for defendant at time of hearing. Copies
distributed at time of hearing.

December 13, 1982 Testimony of hearing held November 3, 4 and 5, 1982, filed.

December 14, 1982 Copy of testimony of hearing held November 3, 4 and 5, 1982, forwarded to attorney
for defendant.

December 15, 1982 Testimony of hearing held October 26, 27, 28 and 29, 1982, filed.

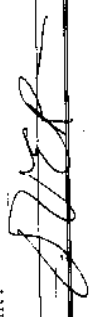
December 17, 1982 Copy of testimony of hearing held October 26, 27, 28 and 29, 1982, forwarded to
attorney for defendant.

January 27, 1983 Plaintiff's Brief and Proposed Findings of Fact and Conclusions of Law filed by
attorney for plaintiff. Copy forwarded to attorney for defendant by attorney
for plaintiff.

February 16, 1983 Proposed Findings of Fact, Conclusions of Law and Memorandum of Law filed by attorney
for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

May 7, 1984 The Board rendered an Opinion and made the following Order: "AND NOW this 7th
day of May, 1984, award is hereby made in favor of the Plaintiff, Bushkill-Lower
Lehigh Joint Sewer Authority and against the Defendant, Commonwealth of Pennsylvania,
Department of Environmental Resources in the amount of Two Hundred Ninety-One
Thousand Five Hundred Twenty-Three Dollars and Sixty-Two (291,523.62) Cents together
with interest at the legal rate of six (6%) percent per annum beginning October
16, 1980. Each party to bear its own costs."

May 9, 1984 Copies of Opinion and Order dated May 7, 1984, forwarded to attorney for Plaintiff
and attorney for defendant.



BUSHKILL-LOWER LEHIGH JOINT SEWER AUTHORITY
VS.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Charles S. Smitt, Esquire

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XXXXXXXXXXXXXXXXXXXX
Randal G. Gale, Esquire

DOCKET NO. 742

CLOSED
(Dept. of Justice)
(Torts Litigation Unit)



June 13, 1984 Petition for Review received from Commonwealth Court. (No. 1626 C. D. 1984) Defendant's Appeal.

June 22, 1984 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for plaintiff. (No. 1774 C. D. 1984)

June 22, 1984 Petition for Review received from Commonwealth Court. (No. 1774 C. D. 1984) Plaintiff's Appeal.

June 28, 1984 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for defendant. (No. ~~1626~~ 1774 C. D. 1984)

July 18, 1984 File transmitted to Commonwealth Court.

February 19, 1986 Copy of Opinion and Order received from Commonwealth Court relative to No. 1774 C.D. 1984. Order as follows: "NOW, December 12, 1985, petitioner having failed to file briefs and reproduced record pursuant to the Order of Court dated October 30, 1985, the above action is dismissed as of course.

February 19, 1986 File returned from Commonwealth Court.

February 20, 1986 Copy of Order received from Commonwealth Court. Order as follows: "NOW, December 14, 1984, upon consideration of respondent's motion to dismiss and it appearing that petitioner did not deliver a check for \$25,000 to respondent on or before December 10, 1984, respondent's motion to dismiss is granted.

THE FOLLOWING RECORDED FROM COMMONWEALTH COURT'S DOCKET SHEET:

November 15, 1984 On Order, NOW, upon consideration of respondent's motion to dismiss and petitioner's affidavit in opposition to motion to dismiss, hearing thereon is hereby fixed for November 29, 1984 at 11:00 a.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pennsylvania.

November 19, 1984 On Order, following argument on respondent's motion to dismiss, it is hereby Ordered that if respondent is not in possession of a check for \$225,000 (no interest) from petitioner on or before December 10, 1984, respondent's motion to dismiss will be granted.