

\*TRUMBULL DENTON JOINT VENTURE  
for the benefit of  
NICHOLSON CONSTRUCTION COMPANY

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION  
MULTIPLE COPIES

John W. Eichleay, Jr., Esquire

Docket No. 775

~~MARK XXXXXXXXXXXXXXXXXXXX~~ George D. Wenick, Esquire

**CLOSED**



FORM  
10-78  
REV. 1-30-88

December 3, 1981 Complaint and filing fee filed. Amount of claim: \$75,000.00+. Copies forwarded to attorney for defendant and Deputy Attorney General.

\*December 31, 1981 Amended Complaint filed by attorney for plaintiff. (ONLY CHANGE IS THE CAPTION) Copy forwarded to attorney for defendant by attorney for plaintiff.

January 22, 1982 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 12, 1982 Nicholson Construction Company's Response to Defendant's New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 20, 1982 Hearing scheduled for September 14 through 17, 1982, in Board's Court Room at 10 a.m.

August 5, 1982 Defendant's Interrogatories (list) to Plaintiff filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 1, 1982 Claimant's Answer to Defendant's First Set of Interrogatories filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 4, 1982 Hearing held in Board's Court Room at 10 a.m.  
September 14, 1982 Depositions of Arthur J. Nicholson and Alex J. Borsanic filed at time of hearing.

September 15, 1982 Hearing held in Board's Court Room at 10 a.m.

September 16, 1982 Hearing held in Board's Court Room at 10 a.m. Case completed.

October 25, 1982 Testimony of hearing held September 14, 15 and 16, 1982 filed.

October 26, 1982 Copies of testimony of hearing held September 14, 15 and 16, 1982 forwarded to attorney for defendant.

December 1, 1982 Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

**CLOSED**

February 4, 1983 Claimant's Motion for Sanctions and proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for defendant by attorney for Plaintiff.

March 1, 1983 Proposed Findings of Fact and Conclusions of Law and Memorandum in Support Thereof filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

March 22, 1983 The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of March, 1983, in that the Commonwealth has filed its suggested Findings of Fact, suggested Conclusions of Law and Memorandum of Law, the Motion for Sanction is declared Moot and Dismissed. Copies forwarded to attorney for plaintiff and attorney for defendant."

July 5, 1983 Amendment to Post-Hearing Brief filed by attorney for plaintiffs. Copy forwarded to attorney for defendant by attorney for plaintiffs.

February 7, 1984 ~~Second Amendment to Nicholson Construction Company's Post-Hearing Brief~~ filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 22, 1984 The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd of March, 1984, we find in favor of the Plaintiff, Trumbull Denton, a joint venture for the benefit of Nicholson Construction Company and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation in the amount of Forty-Nine Thousand Five Hundred Ninety Dollars and Thirty-Five (\$49,540.35) Cents together with interest at the legal rate of six (6%) percent per annum from June 1, 1981. Each party to bear its own costs."

March 28, 1984 Copies of Opinion and Order dated March 22, 1984 forwarded to attorney for plaintiff and attorney for defendant.

April 17, 1984 Petition for Review filed by Commonwealth Court. (No. 1068 C.D. 1984)

April 12, 1984 Copy of Petition for Review as filed in Commonwealth Court received from attorney for defendant.

May 23, 1984 File transmitted to Commonwealth Court.

*FILE*

DOCKET NO. 775

John W. Eicheley, Esquire

TRUMBULL DENTON JOINT VENTURE  
For the benefit of  
Nicholson Construction Company

**CLOSED**

vs.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION

George D. Wenick, Esquire



1985  
APR 30 11

May 23, 1985

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "The order of the Board of Claims entered March 21, 1984, at Docket No. 775, is hereby reversed." Date: May 17, 1985.

April 24, 1986 File returned from Commonwealth Court.