

Paul A. Logan, Esquire

Thadeus A. Tanski, Esquire

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S & N CONSTRUCTION COMPANY  
VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES

~~MIRICK, PEARSON, FUCHSEN - BARNHART~~



December 5, 1981	Complaint and filing fee filed. Amount of claim: \$4,136,172.09.
December 10, 1981	Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.
January 14, 1982	Preliminary Objections filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
January 25, 1982	Preliminary Objections and Motion to Strike the Preliminary Objections of the Commonwealth of Pennsylvania, Department of General Services and Petition for Counsel Fees in Accordance with 42 Pa. C.S.A. Sec. 2503 filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
February 3, 1982	Brief in Support of Plaintiff's Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
February 22, 1982	Brief in Support of Preliminary Objections of the Commonwealth of Pennsylvania Department of General Services to Plaintiff's Complaint filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.
March 2, 1982	Memorandum of Law Contrary to the Preliminary Objections of the Department of General Services filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
June 8, 1982	The Board rendered and Opinion and made the following Order: "AND NOW, this 8th day of June 1982, the Motion of the Plaintiff is hereby DENIED. The Preliminary Objections of the Defendant in the Nature of a Demurrer is hereby DENIED. The Preliminary Objections of the Defendant in the Nature of a More Specific Complaint is hereby GRANTED. The Plaintiff is DIRECTED to file a More Specific Complaint in accordance with this Order. Said Amended Complaint is to be filed within thirty (30) days of the date of this Order."
June 9, 1982	Copies of Opinion and Order forwarded to attorney for plaintiff and attorney for defendant.
July 9, 1982	Amended Complaint filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.
July 15, 1982	Petition of Defendant, Department of General Services, For Amendment of Board's Order dated

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Paul A. Logan, Esquire  
Thadous A. Tanski, Esquire

S & N CONSTRUCTION COMPANY  
VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES

~~THICK, PERSON, HAVEN AND BARTHELE~~

*July* 30, 1982 Plaintiff's Brief Contra Defendant's Request for Amendment to Board's Order of June 8, 1982, filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 1, 1982 Praecipe for Judgment and proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 1, 1982 Letter received from defendant requesting Oral Argument. Copy of letter forwarded to attorney for plaintiff by attorney for defendant

September 1, 1982 Complaint Against Additional Defendants filed by attorney for defendant. Copies forwarded to all counsel by attorney for defendant.

September 3, 1982 The Board made the following Order: "AND NOW, this 3rd day of September, 1982, a RULE is issued on the Commonwealth of Pennsylvania, Department of General Services to show cause, if any, why judgment should not be entered in favor of the Plaintiff, S & N Construction Company, and against said Commonwealth by default for want of an Answer and damages to be assessed in the sum of \$4,086,171.01 with interest from September 1, 1977, and further, the sum of \$50,000.00 with interest from September 1, 1982, as per Praecipe filed by Paul A. Logan, Esquire, counsel for the Plaintiff. Rule returnable on October 1, 1982, at 3 p.m." Copies forwarded to attorney for plaintiff and attorney for defendant.

September 10, 1982 Answer, New Matter and Counterclaim filed by attorney for defendant. Copies forwarded to all counsel of record by attorney for defendant.

September 11, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 11th day of September, 1982, the Defendant's Petition for Amendment of this Board's Order dated June 8, 1982 to allow for an Interlocutory Appeal is DENIED." Copies forwarded to attorney for plaintiff and attorney for defendant.

September 30, 1982 Answer to Rule to Show Cause filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 23, 1982 Preliminary Objections to New Matter and Counterclaim filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

S & N CONSTRUCTION COMPANY  
VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES

Paul A. Logan, Esquire

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~~Thomas A. Teske, Esquire~~  
Michael D. Reed, Chief of Litigation

~~THOMAS A. TESKE, ESQUIRE~~  
~~MICHAEL D. REED, CHIEF OF LITIGATION~~

~~Bruce D. Lombardo, Esquire~~  
Mary A. Maher, Esquire

FORM  
JULY 30, 1973

October 12, 1982 Entry of Appearance of Bruce D. Lombardo, Esquire filed on behalf of additional defendants. Copies forwarded to all counsel of record by attorney for additional defendants.

October 12, 1982 Stipulation between defendant and additional defendant filed. Copy forwarded to attorney for plaintiff by counsel for defendant and additional defendant.

October 15, 1982 Brief in Support of Rule Absolute filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

October 18, 1982 Defendant's Response and Preliminary Objections to Plaintiff's Preliminary Objections to New Matter and Counterclaim of the Defendant filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

October 19, 1982 Preliminary Objections to Complaint Against Additional Defendants as well as proposed Order and Memorandum in support filed by attorney for additional defendants. Copies forwarded to all counsel of record by attorney for additional defendants.

November 8, 1982 Defendant's Reply Brief to Plaintiff's Brief in Support of Rule Absolute filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

November 15, 1982 Brief in Support of Preliminary Objections filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

November 15, 1982 Defendant's Response to Preliminary Objections of Additional Defendants filed by attorney for defendant. Copies forwarded to all counsel of record by attorney for defendant.

November 21, 1982 Brief in Support of Defendant's Response to Preliminary Objections of Additional Defendants filed by attorney for defendant. Copy forwarded to all counsel of record by attorney for defendant.

December 13, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of December 1982, the Preliminary Objections of the Plaintiff, S & N Construction Company in the nature of a Motion to Strike and in the nature of a Question of Jurisdiction are hereby

Paul A. Logan, Esquire

S & N CONSTRUCTION

VS.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES

~~Phedrus A. Messitt, Esquire~~  
Michael D. Reed, Chief of Litigation

~~MERRICK, PARSONS, HAYMON & BATCHELOR~~  
Mary A. Mahony, Esquire

December 13, 1982 (cont.) DENIED. The request of the Plaintiff in the nature of a Demand for More Specific Pleadings is GRANTED. The Defendant, Commonwealth of Pennsylvania, Department of General Services is given thirty (30) days in which to file responsive pleadings in accordance with this Order.

December 15, 1982 Copies of Opinion and Order dated December 13, 1982 forwarded to attorney for plaintiff, attorney for defendant and attorney for additional defendant.

December 28, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 28th day of December 1982, the request of the Plaintiff, S & N Construction Company in Motion for Judgment is hereby DENIED." Copies forwarded to attorney for plaintiff, attorney for defendant and attorney for additional defendant.

December 28, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 28th day of December 1982, the request of the additional Defendants, Henry D. Mirick and Davis Pearson and Louko A. Ilonen and George D. Batchelor, Jr. and Richard L. Henry is hereby DENIED. The additional defendants are given thirty (30) days from the date of this Order to file responsive pleadings which they believe is necessary." Copies forwarded to attorney for plaintiff, attorney for defendant and attorney for additional defendant.

January 12, 1982 Defendant's Amended New Matter and Amended Counterclaim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 25, 1983 Copy of Petition for Review as filed in Commonwealth Court received from attorney for plaintiff.

January 21, 1983 Answer and New Matter received from additional defendants. Copies forwarded to all counsel of record by attorney for additional defendants.

February 1, 1983 Petition for Review received from Commonwealth Court. (No. 264 C. D. 1983)

February 1, 1983 Answer to Amended New Matter and Counterclaim filed by attorney for plaintiff. Copies forwarded to all counsel of record by attorney for plaintiff.

*over*



S & N CONSTRUCTION COMPANY  
VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES  
VS.  
~~MIRICK, PEARSON, SIMON & SCHLESER~~

Paul A. Logar, Esquire

DOCKET NO. 776

~~Michael Jankowski, Esquire  
Michael D. Reed, Chief of Litigation  
Bruce D. Lowhedge, Esquire  
Mary A. Maher, Esquire~~

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April 1, 1985 Request for Admissions filed by attorney for plaintiff. Copy forwarded to attorney for defendant and attorney for additional defendant by attorney for plaintiff.

May 1, 1985 Defendant's Response to Claimant's Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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January 6, 1986 Interrogatories of Additional Defendant, Mirick Pearson Batcheler, Directed to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant. Copies forwarded to all counsel of record by attorney for Additional Defendant.

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April 7, 1986 Interrogatories of Additional Defendant, Mirick Pearson Batcheler, Directed to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for additional defendant.

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April 7, 1986 Answers to Interrogatories of Additional Defendant, Mirick Pearson Batcheler, Directed to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for defendant. Copies forwarded to all parties of record by attorney for defendant.

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July 1, 1986 Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

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July 1, 1986 Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services to Plaintiff, S & N Construction Company (First Set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

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October 17, 1986 Interrogatories of Additional Defendant, Mirick Pearson Batcheler, Directed to Defendant, Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

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October 17, 1986 Request for Admissions of Additional Defendant, Mirick Pearson Batcheler, Addressed to Defendant, Commonwealth of Pennsylvania, Department of General Services.

-over-

Paul A. Logan, Esquire

S & N CONSTRUCTION COMPANY

Michael D. Reed, Chief of Litigation

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES

Mary A. Mahar, Esquire

VS.  
\*\*MIRICK, PEARSON, ILVONEN & BATCHELER



November 26, 1986 Praescipe for Discontinuance (relative to the third-party action) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for additional Defendant by attorney for Defendant.

\*\*December 17, 1986 The Board made the following Order: "AND NOW, this 17th day of December, 1986, upon receipt of Praescipe for Discontinuance executed by Michael D. Reed, Chief of Litigation, on behalf of Defendant, which states "kindly mark the docket settled, discontinued and ended as to the third-party action of Defendant, Commonwealth of Pennsylvania, Department of General Services v. Additional Defendants, Henry D. Mirick, Davis Pearson, Jouko A. Ilvonen, George D. Batcheler, Jr., and Richard L. Henry, individually and trading as Mirick, Pearson, Ilvonen & Batcheler", same of which is docketed with this Board under date of November 26, 1986, it is ORDERED and DIRECTED that the docket insofar as the third-party action shall be marked settled, discontinued and ended with prejudice. Pursuant to the above, the caption of this case shall now read as follows: "S & N Construction Company vs. Commonwealth of Pennsylvania, Department of General Services - Before the Board of Claims - Docket No. 776." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

December 19, 1986 Acceptance of Service of Order dated December 17, 1986 received from Defendant. Receipt of same acknowledged by Defendant December 18, 1986.

December 22, 1986 Acceptance of Service of Order dated December 17, 1986 received from Plaintiff. Receipt of same acknowledged by Plaintiff December 19, 1986.

January 3, 1987 Acceptance of Service of Order dated December 17, 1986 received from Additional Defendant. Receipt of same acknowledged by Additional Defendant December 22, 1986.

February 5, 1987 Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 14, 1987 Notice of Taking Deposition of Nicol C. Taylor filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

COVER

Michael D. Reed, Chief of Litigation

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES

vs.  
MAYOR & COMMONS OF PHILADELPHIA

October 11, 1987 Hearing scheduled for January 12, 13, 14 and 15, 1988, as well as January 19, 20, 21 and 22, 1988, if necessary in Board's Court Room No. 1 at 10:00 a.m.

November 10, 1987 Plaintiff's Interrogatories to Defendant Pennsylvania Department of General Services - Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 10, 1987 Answered Interrogatories of Defendant, Commonwealth of Pennsylvania, Department of General Services to Plaintiff, S & N Construction Company (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 11, 1987 Plaintiff's Interrogatories to Defendant Pennsylvania Department of General Services - Third Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 31, 1987 Defendant's Supplemental Response to Plaintiff's Interrogatories (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 31, 1987 Defendant's Response to Plaintiff's Interrogatories Addressed to Defendant, Commonwealth of Pennsylvania, Department of General Services - Second Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 31, 1987 Defendant's Responses to Plaintiff's Interrogatories to Defendant Pennsylvania Department of General Services - Second Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 31, 1987 Defendant's Responses to Plaintiff's Interrogatories to Defendant Pennsylvania Department of General Services - Third Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

FILE



S & N CONSTRUCTION COMPANY  
VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF GENERAL SERVICES

Paul A. Logan, Esquire  
Mark F. Brancato, Esquire  
John Buchy, Jr., Esquire

Docket No. 776

MULTIPLE COPIES



OFFICE  
MUNICIPALITY, 30-FR

January 1, 1988 Supplemental Answers to Interrogatories of Defendant, Commonwealth of Pennsylvania Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 2, 1988 Hearing held in Board's Court Room at 10:00 a.m.

January 3, 1988 Hearing held in Board's Court Room at 10:00 a.m.

January 4, 1988 Hearing held in Board's Court Room at 10:00 a.m.

January 5, 1988 Hearing held in Board's Court Room at 10:00 a.m.

January 9, 1988 Hearing scheduled for January 19, 1988 cancelled, hearing to resume on January 20, 1988.

January 10, 1988 Hearing held in Board's Court Room at 10:00 a.m. Case settled.

February 8, 1988 Testimony of hearing held January 12 and January 13, 1988 filed.

February 9, 1988 Copies of testimony for hearing held January 12 and January 13, 1988 forwarded to attorney for Defendant.

February 10, 1988 Testimony of hearing held January 14, 1988 filed.

February 11, 1988 Copies of testimony for hearing held January 14, 1988 forwarded to attorney for Defendant.

February 11, 1988 Acceptance of Service of Testimony for hearing held January 12 and January 13, 1988 received from Defendant. Receipt of same acknowledged by Defendant February 10, 1988.

February 17, 1988 Acceptance of Service of Testimony for hearing held January 14, 1988 received from Defendant. Receipt of same acknowledged by Defendant February 12, 1988.

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March 3, 1988 Testimony of hearing held January 15 and January 20, 1988 filed.

March 7, 1988 Copies of Testimony for hearing held January 15 and 20, 1988 forwarded to attorney for Defendant.

March 10, 1988 Acceptance of Service of Testimony of hearing held January 15 and 20, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 8, 1988.

May 13, 1988 Praecipe to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 18, 1988 Praecipe to Settle, Discontinue and End filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 1, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 1st day of June, 1988, upon the records in the file, all pleadings and documents, the statements of counsel and the matters of record, it is ORDERED and DIRECTED that the case be marked settled and closed upon the following terms and conditions: The Department of General Services to make payment to S & N Construction Company in the sum of Two Hundred Sixty Thousand Dollars (\$260,000.00), together with the execution of mutual releases. Further, that the Counterclaim instituted by the Department of General Services against the Plaintiff be withdrawn, and further that all matters relative to this Claim be marked settled, discontinued and ended with prejudice. Further, it is noted over the signature of counsel for the Plaintiff, that Plaintiff has received the monies agreed upon and the parties have executed their mutual releases so that the case shall be marked settled, discontinued and ended with prejudice."

June 2, 1988 Copies of Opinion and Order dated June 1, 1988 forwarded to attorneys for Plaintiff and attorney for Defendant.

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June 10, 1988

Acceptance of Service of Opinion and Order dated June 1, 1988 received from attorney for Plaintiff (Mr. Logan). Receipt of same acknowledged by attorney for Plaintiff June 6, 1988.

July 5, 1988

Acceptance of Service of Opinion and Order dated June 1, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 3, 1988.