

CONN CONSTRUCTION CO.

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

XX
Edward A. Gamble, Esquire
Jack W. Plozman, Esquire
XX
Michael Reed, Esquire
Robert J. Shea, Esquire

Docket No. 823

CLOSED



July 29, 1982 Complaint and filing fee filed. Amount of claim: \$76,812.66*

August 4, 1982 Copies of Complaint forwarded to attorney for defendant and Deputy Attorney General.

September 8, 1982 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 27, 1982 Answer to New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 3, 1983 Defendant's Interrogatories to Plaintiff (1st Set) filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 10, 1984 Notices of Deposition of Walter Dukowich, Robert Jackanic, Conn Construction Co. and Anthony Perozich filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

March 30, 1984 Notice of Service of Interrogatories as well as Plaintiff's Request for Production of Documents filed by attorney for plaintiff. Interrogatories and copy of Request forwarded to attorney for defendant by attorney for plaintiff.

July 26, 1984 Notice of Taking of Deposition on Oral Examination under Pennsylvania Rule of Civil Procedure 400.1 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 9, 1984 Plaintiff's Interrogatories and Defendant's Answers filed by parties.

October 4, 1984 Request for Production of Documents filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

October 5, 1984 Petition to Permit Withdrawal of Counsel and Substitution of Counsel, Proposed Order and Prerequisite for Appearance filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

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October 9, 1984 The Board rendered an Opinion and made the following Order: "AND NOW, to wit, this 9th day of October, 1984 upon consideration of Plaintiff's Petition to Permit Withdrawal of Counsel and Substitution of Counsel, it is hereby ORDERED that Plaintiff's present counsel, Gamble, Viterano, Mock, Piccione & Green, be permitted to withdraw their appearance on behalf of plaintiff, and said appearance is hereby withdrawn, and that Plowman and Spigel be, and they hereby are, permitted to enter their appearance on plaintiff's behalf in this action." Copies forwarded to attorney for plaintiff, attorney for defendant and attorney who withdrew their appearance.

October 30, 1984 Response to Request for Production of Documents filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 8, 1985 Petition to Allow Amendment to Complaint and Proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 11, 1985 Letter received from Mr. Robert J. Shea advising of Entry of Appearance.

May 9, 1985 Reply to Plaintiff's Petition to Allow Amendment to Complaint and Memorandum in Support of Defendant's Reply to Plaintiff's Petition to Allow Amendment to Complaint filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

May 22, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of May, 1985, upon due consideration of the Petition of the Plaintiff, Conn Construction, and the research conducted by this Board, the request of the Plaintiff is GRANTED. The plaintiff is given thirty (30) days from the date of this Order in which to amend its pleadings consistent with this Opinion. The Defendant is also granted thirty (30) days after the filing of the Amended Complaint in which to file a responsive pleading deemed appropriate." Copies forwarded to attorney for plaintiff and attorney for defendant.

*May 30, 1985 Amendment to Complaint filed by attorney for plaintiff. Amount should read as follows: \$189,321.99. Copy forwarded to attorney for defendant by attorney for plaintiff.

July 3, 1985 Amended Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

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CORN CONSTRUCTION
VS.
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Jack W. Plowman, Esquire
Robert J. Shea, Esquire

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July 25, 1985

Reply to Amended Answer and New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 25, 1985

Plaintiff's Second Request for Production filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 25, 1985

Notice of Service of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 16, 1985

Defendant's Response to Plaintiff's Second Request for Production filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 1, 1986

Answers to Second Set of Interrogatories to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 19, 1987

Hearing scheduled for June 23 through June 26, 1987 as well as July 7 through July 10, 1987, if necessary in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

March 15, 1987

Defendant's Continuing Interrogatories to Plaintiff - Second Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 15, 1987

Defendant's First Continuing Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 7, 1987

Motion for Sanctions and Continuance filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 11, 1987

Answer to Motion for Sanctions and Continuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 15, 1987

The Board rendered an opinion and made the following Order: "AND NOW, this 15th day of May, 1987, upon consideration of the Motion for Sanctions and Continuance and Answer thereto, as well as the filings and docket entries, it is hereby ORDERED and DECREED that Plaintiff shall produce in the immediate future all documents requested

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CLOSED

May 15, 1987
(continued)
in Defendant's Request for Documents, excepting those in request Numbers 6 and 7. It is further ORDERED and DECREED that the Interrogatories dealing with witnesses and persons with knowledge of the Claim or with the allowable documents requested, shall be answered also in the immediate future. Any deposition requests shall be expedited. In addition thereto, it is further ORDERED and DECREED that the Motion for Continuance will be DENIED. The parties and counsel, be and hereby are DIRECTED to be present and prepared to present the matter, as scheduled, on Tuesday, June 23, 1987 beginning at 10:00 a.m. at the Board's Court Room, 707 Transportation and Safety Building, Harrisburg, Pennsylvania." Copies forwarded to attorney for Plaintiff; and attorney for Defendant.

May 18, 1987
Answers to Defendant's Continuing Interrogatories to Plaintiff - Second Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 18, 1987
Response to Request for Production filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 18, 1987
Third Set of Interrogatories to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 18, 1987
Plaintiff's Third Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 20, 1987
Acceptance of Service of Opinion and Order dated May 15, 1987 received from Defendant. Receipt of same acknowledged by Defendant May 18, 1987.

May 21, 1987
Acceptance of Service of Opinion and Order dated May 15, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff May 18, 1987.

May 29, 1987
Defendant's Second Continuing Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 23, 1987
Hearing held in Board's Court Room No. 1 commencing at 10:00 a.m. Case settled.

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July 17, 1987 Testimony of hearing held June 23, 1987 filed.

July 21, 1987 Copy of testimony for hearing held, June 23, 1987, forwarded to attorney for Defendant.

July 23, 1987 Acceptance of Service of Testimony dated July 21, 1987 received from Defendant. Receipt of same acknowledged by Defendant July 22, 1987.

October 13, 1987 The Board rendered an Opinion and made the following order: "AND NOW, this 13th day of October, 1987 pursuant to the settlement between the parties as set forth in the transcribed record relative to the above-entitled matter, the case is to be settled and discontinued with prejudice. Counsel was directed to furnish to the Board a letter or Praecipe, setting forth that the terms and conditions of the settlement were complied with and all monies received."

October 14, 1987 Copies of Opinion and Order dated October 13, 1987 forwarded to attorney for Plaintiff and attorney for Defendant.

October 16, 1987 Acceptance of Service of Opinion and Order dated October 13, 1987 received from Defendant. Receipt of same acknowledged by Defendant October 15, 1987.

October 28, 1987 Acceptance of Service of Opinion and Order dated October 13, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff October 15, 1987.

June 13, 1991 The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of June, 1991, in that a sufficient period of time has elapsed and the Plaintiff has failed to advise the Board as to whether or not the conditions of the settlement were reached, the Board therefore ORDERS that the case be closed with prejudice." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

June 18, 1991 Acceptance of Service of Opinion and Order dated June 13, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 14, 1991.

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June 21, 1991 Acceptance of Service of Opinion and Order dated June 13, 1991 received from attorney
for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 18, 1991.