

DRISCOLL CONSTRUCTION CO., INC.
vs.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

Richard L. McMonigle, Jr.
~~Elliott R. Feldman, Esquire~~
Carleton C. Strouss, Esquire
~~Michael D. Reed, Esquire~~

DOCKET NO. 852

CLOSED

December 20, 1982 Complaint and filing fee filed. Amount of Claim: \$40,006.15+.

December 28, 1982 Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.

January 27, 1983 Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 2, 1983 The Board rendered an Opinion and made the following Order: "AND NOW, this 2nd day of February, 1983, Plaintiff's document entitled 'Entry of Judgment' is hereby refused and shall not be entered of record." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 8, 1983 Praecipe to enter appearance of Michael D. Reed, Assistant Counsel, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 18, 1984 Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 30, 1984 Petition (for withdrawal of P.O.'s) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 7, 1984 The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of December, 1984, pursuant to the request of the Defendant, over the signature of Michael D. Reed, Assistant Counsel, requesting the Preliminary Objections be withdrawn, the Board is of the opinion that same is in order, and it is hereby ORDERED and DIRECTED that said Preliminary Objections be withdrawn of record." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

December 18, 1984 Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 12, 1985 Defendant's Continuing Interrogatories to Plaintiff - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

883
6/14/91

OVER ~~~~~

DRISCOLL CONSTRUCTION CO., INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

Richard L. McMonigle, Jr.
~~Elliott R. Peleman, Esquire~~
~~Carlton O. Fenwick, Esquire~~
~~Michael D. Reed, Esquire~~
Robert J. Shea, Esquire

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- October 1, 1985 Answers to Interrogatories Directed to Commonwealth of Pennsylvania, Department of Transportation, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- December 20, 1985 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 9, 1991 The Board rendered an Opinion and made the following Order: "AND NOW, this 9th day of May, 1991 a Rule to Show Cause is issued upon Plaintiff, Driscoll Construction Company, and the Defendant, Commonwealth of Pennsylvania, Department of Transportation, wherein it is DIRECTED that the parties supply the Board within thirty (30) days of this Order with a copy of the settlement documentation or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.
- May 29, 1991 Acceptance of Service of Opinion and Order dated May 9 1991, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 13, 1991.
- June 12, 1991 Agreement and Release, executed by parties, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- August 1, 1991 The Board rendered an opinion and made the following order: "AND NOW, this 1st day of August, 1991, upon due consideration of the Agreement and Release of the parties and other submissions, it is hereby established of record that Defendant, Commonwealth of Pennsylvania, Department of Transportation, did pay to Claimant, Driscoll Construction Co., Inc., the sum of Twelve Thousand Dollars (\$12,000.00), which amount did include the Fifty Dollar (\$50.00) filing fee paid by the Plaintiff to commence this action, in full satisfaction and settlement of the matter. The Board of Claims does hereby withdraw the Statement of Claim and acknowledges that the within award was received by Claimant and thereby DIRECTS and ORDERS that the matter be marked closed and discontinued with prejudice. Each party to bear its own costs other than the filing fee included in the award." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

SR
6/11/91

- 001 -

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August 6, 1991. Acceptance of Service of Opinion and Order dated August 1, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 5, 1991.

August 12, 1991 Acceptance of Service of Opinion and Order dated August 1, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 6, 1991.