

INDIANA GUNITE AND CONSTRUCTION COMPANY, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA TURNPIKE COMMISSION

~~Glenna L. Stoney, Esquire and
Bert R. Destler, Esquire
Randall F. Hafer, Esquire
C. Grainger Bowman, Esquire (Pennsylvania Counsel)
Louis J. Martin, Esquire
Jacqueline Verney, Esquire
Jeffrey Neff, Esquire (Pittsburgh)
Frank C. Lucching, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire~~

DOCKET NO. 868

CLOSED.

MULTIPLE COPIES

FORM 30-PR

January 25, 1983 Original and one copy of Complaint filed.

February 25, 1983 Request made for four additional copies of Complaint and filing fee.

March 3, 1983 Four additional copies of Complaint received and filing fee.

March 9, 1983 Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.

March 30, 1983 Preliminary Objections and Brief filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

May 10, 1983 Response to Preliminary Objections and Brief filed by attorney for Defendant. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

July 11, 1983 First Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 9, 1984 Second Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 18, 1984 Preliminary Objections to 2nd Amended Complaint and Brief in Support filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

May 23, 1984 Plaintiff's Response to Defendant's Motion for a More Specific Pleading filed by attorney for Plaintiff. Copies forwarded to all other counsel by attorney for Plaintiff.

February 12, 1985 Interrogatories and Requests for Production filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

OVER

INDIANA GUNITE AND CONSTRUCTION COMPANY, INC.
vs.
COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA TURNPIKE COMMISSION

DOCKET NO. 868

~~Clement L. Stoney, Esquire and
Bernard J. Decker, Esquire
Randall F. Hafer, Esquire
C. Grainger Bowman, Esquire (Pennsylvania Counsel)
Louis R. Martin, Esquire
Josephine Tenney, Esquire
Frank J. Luchino, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire~~

CLOSED

February 14, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of February, 1985, the Preliminary Objections as filed by the Defendant in regard to the damages is sustained and the Plaintiff is directed to file a more specific Complaint setting forth the damages in accordance with good practice as established by the Appellate Courts of this Commonwealth. Further, this Board, sua sponte, directs the Plaintiff to file more specific allegations concerning any retainage held by the Defendant. Further this Board sua sponte orders the Plaintiff to file more specific pleadings pertaining to the unlawful action on behalf of the Defendant in 'shutting down this job'. If it is the Plaintiff's belief that it is entitled to damages due to this action, the Board respectfully requests that the activities of the Defendant and the Plaintiff's damages be more specifically set forth. Further the Board requests more specific allegations pertaining to any other relief that the Plaintiff would request this Board to consider." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 12, 1985 Third Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 13, 1985 Praecipe for Appearance and Motion of Frank J. Luchino, Esquire and Jeffrey Reed, Esquire for Extension of Time Within Which to File Answers to Interrogatories and Produce Documents and Proposed Order filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

March 15, 1985 The Board made the following Order: "AND NOW this, 15th day of March, 1985, it is hereby ORDERED that the Pennsylvania Turnpike Commission of the Commonwealth of Pennsylvania is granted an extension of time within which to file Answers to Interrogatories and Requests for Production propounded by Indiana Gunite and served by mail on the 11th day of February, 1985, for up to thirty (30) days after the filing of Indiana Gunite's Third Amended Complaint." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 27, 1985 Motion for Extension of Time Within Which to File a Responsive Pleading and Proposed Order filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

OVER

INDIANA GUNITE AND CONSTRUCTION COMPANY, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA TURNPIKE COMMISSION

Randall F. Hafer, Esquire
C. Grainger Bowman, Esquire (PA Counsel)

Frank J. Lucchino, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire

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March 29, 1985

The board made the following Order: "AND NOW, this 29th day of March, 1985, it is hereby ORDERED, ADJUDGED and DECREED, that an extension of time is granted to the Pennsylvania Turnpike Commission until April 8, 1985 to file a responsive pleading to the Third Amended Complaint of Indiana Gunite and Construction Company, Inc." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 3, 1985

Response to Motion for Extension of Time Within Which to File a Responsive Pleading filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 8, 1985

The board rendered an Opinion and made the following Order: "AND NOW, this 8th day of April, 1985, the Board makes note that it granted to the Pennsylvania Turnpike Commission until April 8, 1985 to file a responsive pleading to the Third Amended Complaint of Indiana Gunite and Construction Company, Inc. Said responsive pleading may be an Answer, Preliminary Objections or such other response as is deemed moot. Unless for justifiable reason, there shall be no further extensions of time granted." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 8, 1985

Preliminary Objections to the Third Amended Complaint, Proposed Order, Motion to Extend Time and Proposed Order filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

April 24, 1985

Response to Motion to Extend Time for Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 24, 1985

Plaintiff's Preliminary Objections to Defendant's Preliminary Objections to Plaintiff's Third Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 8, 1985

Brief in Support of Preliminary Objections and Answer to Plaintiff's Preliminary Objections to Defendant's Preliminary Objections to Plaintiff's Third Amended Complaint filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

OVER

Randall P. Hafer, Esquire
C. Grainger Bowman, Esquire (PA Counsel)
Frank J. Lucchino, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire

INDIANA GUNITE AND CONSTRUCTION COMPANY, INC.
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CLOSED

May 30, 1985 Brief in Support of Plaintiff's Preliminary Objections to Defendant's Preliminary Objections to Plaintiff's Third Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 21, 1985 Brief in Opposition to Plaintiff's Preliminary Objections to Defendants' Preliminary Objections to Plaintiff's Third Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 13, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of September, 1985, the Preliminary Objections as filed by the Defendant to the Third Amended Complaint are DENIED. In light of this Opinion the Preliminary Objections as filed by the Plaintiff are considered moot and therefore are DISMISSED. The request of the Defendant in the Nature of a Motion to Extend Time is DENIED. In accordance with this request, the Defendant stated, 'The Commission can properly and adequately respond to Plaintiff's Interrogatories and request for production of documents only after Plaintiff has filed a Complaint which follows the applicable rules and complies with the law.' This Board is of the opinion that the Third Amended Complaint does follow the applicable rules and complies with the law. Accordingly, the Defendant should have no trouble in answering the interrogatories of the Plaintiff and should have no trouble in answering the interrogatories of the Plaintiff and producing documents in accordance with the Plaintiff's request. The Defendant is given thirty (30) days from the date of this Order in which to file a responsive pleading." Copy forwarded to attorneys for Plaintiff and attorneys for Defendant.

October 21, 1985 Answer to Third Amended Complaint, New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 4, 1985 Letter and Proposed Consent Order filed by Ms. Stone.

November 6, 1985 The Board made the following Order: "For good cause shown, it is hereby ORDERED, JUDGED and DECREED that the time for response by Indiana Gunite to the Answer, New Matter, and Counterclaim of the Commission is extended through and including November 25, 1985. SO ORDERED, this 6th day of November, 1985." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Mr. Bowman.

Handwritten signature

INDIANA GUNITE AND CONSTRUCTION COMPANY, INC.
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Randall F. Hafer, Esquire
C. Grainger Bowman, Esquire (PA Counsel)
Frank J. Lucchino, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire

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FILED
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- November 6, 1985 Verifications for Defendant's Answer to the Third Amended Complaint, New Matter and Counterclaim and Answers to Interrogatories and copy of Exhibits to be attached to the Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- November 12, 1985 Answers to Interrogatories and Requests for Production filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
- November 26, 1985 Plaintiff's Preliminary Objections to the Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- December 20, 1985 Proposed Consent Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- December 23, 1985 The Board executed the Proposed Consent Order. "For good cause shown, it is hereby ORDERED, ADJUDGED and DECREED that the time for filing Plaintiff's Brief in Support of Plaintiff's Preliminary Objections to Defendant's Counterclaims is extended through and including January 10, 1986, and the time for filing by Defendant of its Brief in Opposition to Plaintiff's Preliminary Objections is extended through and including January 30, 1986. SO ORDERED, this 23rd day of December, 1985." Copies forwarded to attorney for Plaintiff and attorney for Defendant.
- January 9, 1986 Letter received from Kathryn L. Simpson, Esquire, advising that she has replaced Jeffrey Reed as attorney for Defendant.
- January 13, 1986 Brief in Support of Plaintiff's Preliminary Objections to Defendant's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
- February 3, 1986 Defendant's Brief in Opposition to Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

OPEN

INDIANA GUNITE AND CONSTRUCTION COMPANY, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA TURNPIKE COMMISSION

Randall F. Hafer, Esquire
C. Grainger Bowman, Esquire (PA Counsel)
Frank J. Lucchino, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire

DOCKET NO. 868

CLOSED

April 15, 1986 The Board rendered an Opinion and made the following Order: "AND NOW, this 15th day of April, 1986, the Preliminary Objections as filed by the Plaintiff in the Nature of a Demurrer and More Specific Pleadings are DENIED. The parties are encouraged to proceed with all due haste to complete the discovery so that this matter can be listed for trial wherein the issues set forth in the Pleadings may be resolved." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 23, 1986 Acceptance of Service of Opinion and Order dated April 15, 1986 received from Defendant.
Receipt of same acknowledged by Defendant April 17, 1986.

April 24, 1986 Acceptance of Service of Opinion and Order dated April 15, 1986 received from Plaintiff.
Receipt of same acknowledged by Plaintiff April 17, 1986.

July 7, 1986 Motion for Production filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 7, 1986 Notice of Service of Interrogatories filed by attorney for Defendant.

November 16, 1987 Notice of Deposition of Gary Chynoweth, Chief Engineer filed by attorney for Defendant.
Copies forwarded to attorneys for Plaintiff by attorney for Defendant.

January 21, 1988 Hearing scheduled for March 15, 16, 17 and 18, 1988 as well as March 22 and 23, 1988, in Board's Court Room No. 1, commencing at 10:00 a.m.

February 26, 1988 Reply to New Matter Contained in Defendant's Answer and New Matter of Plaintiff and Answer to Counterclaim filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorneys for Plaintiff.

March 15, 1988 Hearing held in Board's Courtroom No. 1 commencing at 10:00 a.m. Case to be continued to March 16, 1988 in Board's Courtroom No. 1, commencing at 2:00 p.m.

March 16, 1988 Hearing held in Board's Courtroom No. 1 at 2:00 p.m. Case settled.

March 18, 1988 Testimony of hearing held March 15 and 16, 1988 filed.

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PENNSYLVANIA TURNPIKE COMMISSION

Randall F. Hafer, Esquire
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Frank J. Lucchiro, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire

Docket No. 868

CLOSED

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March 31, 1988 Acceptance of Service of Testimony for hearing held March 15 and 16, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 28, 1988.

April 11, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 11th day of April, 1988, upon the records in the file, all pleadings and documents, the statements of counsel and the matters of record which appear in the transcribed testimony, it is ORDERED and DIRECTED that the case be marked settled and closed and that counsel provide the Board with notification by Praecipe or letter that all monies to be paid Indiana Gunita have been so received and thereafter, the Board will mark the case closed with prejudice." Copy forwarded to attorneys for Plaintiff and attorneys for Defendant.

April 21, 1988 Acceptance of Service of Opinion and Order dated April 11, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 18, 1988.

April 30, 1991 The Board rendered an Opinion and made the following Order: "AND NOW, this 30th day of April, 1991, a Rule to Show Cause is issued upon the Plaintiff within fifteen (15) days of the date hereof. Otherwise, the Board, on its own motion, will mark the case settled and discontinued with prejudice." Copies forwarded to attorneys for Plaintiff and attorneys for Defendant.

May 7, 1991 Acceptance of Service of Opinion and Order dated April 30, 1991 received from attorney for Defendant (Kathryn L. Simpson, Esquire). Receipt of same acknowledged by attorney for Defendant May 2 1991.

May 21, 1991 The Board made the following Order: "AND NOW, this 21st day of May, 1991, upon receipt of letter dated May 15, 1991 filed by Marc G. Tarlow, Esquire, on behalf of Plaintiff, advising "that all monies have been received and distributed.", same of which is docketed with this Board under date of May 16, 1991, it is ORDERED and DIRECTED that said case be marked settled, discontinued and ended with prejudice." Copies forwarded to attorneys for Plaintiff and attorneys for Defendant.

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INDIANA GUNITE AND CONSTRUCTION COMPANY,
INC.

Randall F. Hafer, Esquire
C. Grainger Bowman, Esquire (PA Counsel)

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vs.
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Frank J. Lucchino, Esquire (Pittsburgh)
Kathryn L. Simpson, Esquire

CLOSED

May 23, 1991

Acceptance of Service of Order dated May 21, 1991 received from attorney for Plaintiff (C. Grainger Bowman, Esquire). Receipt of same acknowledged by attorney fo: Plaintiff May 22, 1991.

June 3, 1991

Acceptance of Service of Order dated May 21, 1991 received from attorney for Defendant (Kathryn L. Simpson, Esquire for Frank J. Lucchino, Esquire). Receipt of same acknowledged by attorney for Defendant May 28, 1991.

June 3, 1991

Acceptance of Service of Order dated May 21, 1991 received from attorney for Defendant (Kathryn L. Simpson, Esquire). Receipt of same acknowledged by attorney fo: Defendant May 28, 1991.