

DAVID J. LANE ADVERTISING, INC.
a/k/a LANE GOLDEN PHILLIPS ADVERTISING, INC.

Karen M. Balaban, Esquire

Docket No. 906

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF THE AUDITOR GENERAL and
~~DEPARTMENT OF TREASURY and~~
~~BOARD OF AUDITS AND ADMINISTRATION*~~
DEPARTMENT OF GENERAL SERVICES-(Impleader)

~~Genevieve H. Smith, Esquire~~
Francis Mazzola, Esquire
~~John G. Wallington, Esquire~~
~~Clyde Bruno, Director~~
Anthony P. Krzwicki, Esq., Impleader

September 1, 1983 Complaint and filing fee filed. Amount of Claim: \$25,375.47+.

September 8, 1983 Copies of Complaint forwarded to Deputy Attorney General and attorneys for Defendants.

September 21, 1983 Amended Claim filed by attorney for Plaintiff. Copies forwarded to all counsel of record.

September 29, 1983 Answer to Plaintiff's Amended Claim filed by attorney for Defendant (Auditor General). Copies forwarded to all counsel of record by attorney for Defendant (Auditor General).

*October 3, 1983 The Board rendered an Opinion and made the following Order: "AND NOW, this 3rd day of October, 1983, the Amended Complaint is allowed by ORDER of this Board. The caption shall hereinafter read as follows: David J. Lane Advertising, Inc., a/k/a Lane Golden Phillips Advertising, Inc. vs. Commonwealth of Pennsylvania, Department of the Auditor General". Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for additional Defendants.

November 21, 1983 Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 22, 1983 Brief in Support of Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 22, 1983 Stipulation and Admission of Facts filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 10, 1984 Defendant's Response to Plaintiff's Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 27, 1984 The Board made the following Order: "ANI NOW, this 27th day of February, 1984, the Motion of the Plaintiff for Summary Judgment as to the liability of the Commonwealth is GRANTED. That part of the Summary Judgment requesting payment of Twenty-Five Thousand Three Hundred Seventy-Five Dollars and Forty-Seven (\$25,375.47) Cents is

DAVID J. LANE ADVERTISING, INC. vs. KAREL M. BALABAN, ESQUIRE DOCKET NO. 306
a/k/a LANE GOLDEN PHILLIPS ADVERTISING, INC.

COMMONWEALTH OF PENNSYLVANIA, FRANCIS MAZZOLA, ESQUIRE
DEPARTMENT OF THE AUDITOR GENERAL and ANTHONY P. KYZWICKI, ESQ. IMPLAEDER
DEPARTMENT OF GENERAL SERVICES (IMPLAEDER)

February 27, 1984 DENIED. At a future date, after impleading of the Department of General Services, cont'd. this case will be listed for trial at which time the only issue to be presented to this Board will be the value of the services rendered by the Plaintiff. Further, it is hereby ORDERED that the Department of General Services is hereby impleaded as a party Defendant and shall, within twenty (20) days of the date of this Order, file an Answer to this impleader, and Plaintiff's Complaint is restricted as to the amount of damages only."

February 28, 1984 Copies of Opinion and Order dated February 27, 1984 forwarded to attorney for Plaintiff and attorney for Defendant.

February 28, 1984 Letter forwarded to Anthony P. Kyzwicki, Chief Counsel, Department of General Services directing that the Department of General Services is impleaded.

April 16, 1984 Answer to Impleader and Amended Complaint and New Matter filed by attorney for impleader. Copies forwarded to all counsel of record by attorney for impleader.

April 18, 1984 Plaintiff's Answer to Impleaded Defendant's New Matter as well as Praecipe to List for Trial filed by attorney for Plaintiff. Copies forwarded to all counsel of record by attorney for Plaintiff.

April 30, 1984 Reply of Defendant, Commonwealth of Pennsylvania, Department of Auditor General, to New Matter of Impleaded Defendant Department of General Services filed by attorney for Defendant (Auditor General). Copies forwarded to all counsel of record.

May 10, 1984 Hearing scheduled for June 13, 1984 through June 15, 1984, if necessary at 10 a.m., in Board's Court Room.

May 25, 1984 Notice of Deposition by Oral Examination and Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 7, 1984 Notice of Deposition of James J. Kennedy filed by attorney for Defendant. Copies forwarded to all parties of record.

Karen M. Balaban, Esquire

DAVID J. LANE ADVERTISING, INC.
a/k/a LANE GOLDEN PHILLIPS ADVERTISING, INC.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF THE AUDITOR GENERAL and
Francis Mazzola, Esquire
vs.
Anthony P. Krzwicki, Esq., Impleader



June 13, 1984 Hearing held in Board's Court Room at 10 a.m.

June 13, 1984 Deposition of David J. Lane filed at time of hearing.

June 13, 1984 Deposition of James J. Kennedy filed at time of hearing.

June 14, 1984 Hearing held in Board's Court Room at 10 a.m.

June 15, 1984 Hearing held in Board's Court Room at 10 a.m. Case completed.

August 24, 1984 Testimony of hearing held June 13, 1984 filed.

August 28, 1984 Copy of testimony of hearing held June 13, 1984 forwarded to attorney for Defendant and Department of General Services.

November 30, 1984 Brief filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant and attorney for Impleader by attorney for Plaintiff.

January 17, 1984 Proposed Findings of Fact, Conclusions of Law and Brief in Support Of filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 29, 1985 The Board rendered an Opinion and made the following Order: 'AND NOW, this 29th day of October, 1985, we find in favor of the Plaintiff, David J. Lane Advertising, Inc., a/k/a Lane Golden Phillips Advertising, Inc. and against the Defendant, Commonwealth of Pennsylvania, Department of the Auditor General and Department of General Services (Impleader) in the amount of Twenty-Five thousand Three Hundred Seventy-Five Dollars and Forty-Seven Cents (\$25,375.47) at the legal rate of six (6%) percent per annum beginning from April 17, 1983. Each party to bear its own costs.' Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Impleader Defendant.

November 1, 1985 Letter request received from attorney for Impleader Defendant to amend the Order of October 29, 1985 to strike the name of Department of General Services as Impleader.

Karen M. Balaban, Esquire

DAVID J. LANE ADVERTISING, INC.
a/k/a LANE GOLDEN PHILLIPS ADVERTISING, INC.

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF THE AUDITOR GENERAL and
FRANCIS MAZZOLI, Esquire
ATTORNEY P. KRZYWICKI, Esq. Impleader

November 1, 1985

The Board made the following Order: "AND NOW, this 1st day of November, 1985, the Order of October 29, 1985, in the above entitled matter is Amended to read as follows: " AND NOW, this 19th day of October, 1985, we find in favor of the Plaintiff, David J. Lane Advertising, Inc., a/k/a Lane Golden Phillips Advertising, Inc. and against the Defendant, Commonwealth of Pennsylvania, Department of the Auditor General in the amount of Twenty-Five Thousand Three Hundred Seventy-Five Dollars and Forty-Seven Cents (\$25,375.47) at the legal rate of six (6%) percent per annum beginning from April 17, 1983. Each party to bear its own costs."

November 4, 1985

Copies of Order dated November 1, 1985 forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Impleader Defendant.