

IA CONSTRUCTION CORPORATION,
a Corporation in Its Own Right and
For the Use and Benefit of Cleveland
Wrecking Co., a Corporation, and Cleveland
Wrecking Co., in Its Own Right
VS.

Joseph J. Laws, Esquire
Noah Gorson, Esquire

Docket No. 912

CLOSED

James W. Kutz, Assistant Counsel
Kenneth L. Sabley, Chief Claims Attorney
George D. Weniok, Esquire

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



September 22, 1933 Complaint and filing fee filed. Amount of Claim: \$149,067.10.

September 29, 1933 Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.

December 2, 1983 Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 8, 1983 Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 21, 1987 Substitution of Counsel filed by Noah Gorson, Esquire on behalf of attorney for Plaintiff.

February 18, 1987 Second Amended Complaint filed by attorney for Plaintiff. Amount of Claim: \$353,955.00. Copies forwarded to attorney for Defendant, Mr. Staruch and Cleveland Wrecking Co. by attorney for Plaintiff.

February 25, 1987 Copy of Second Amended Complaint forwarded to Chief Deputy Attorney General.

March 11, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 11th day of March, 1987, it is ORDERED and DIRECTED that said letter, docketed with this Board under dated of March 5, 1987 over the signature of Noah Gorson, shall be made part of the Second Amended Complaint and shall be served on all parties. The document represents the total sum due in the Second Amended Complaint in the amount of \$353,955.00." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 12, 1987 Acceptance of Service of Opinion and Order, dated March 11, 1987, received from Defendant. Receipt of same acknowledged by Defendant March 11, 1987.

March 5, 1987 Acceptance of Service of Second Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 3, 1987.

COPIES

CLOSED

Joseph J. Laws, Esquire
Noah Gorson, Esquire

~~James W. Kutz, Assistant Counsel
Kenneth L. Sabo, Chief of Claims Attorney
George D. Weniak, Esquire~~

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March 30, 1987 Acceptance of Service of Opinion and Order, dated March 11, 1987, received from Plaintiff. Receipt of same acknowledged by Plaintiff March 24, 1987.

April 7, 1987 Answer to Second Amended Complaint and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 1, 1987 Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 7, 1987 Defendant's Interrogatories to Plaintiffs, IA Construction Corporation and Cleveland Wrecking Co. - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 7, 1987 Defendant's First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 12, 1989 Answers to Plaintiff's Interrogatories to Commonwealth of Pennsylvania - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 21, 1989 Notice of Service of Supplement to the Department's Answers to Cleveland's First Set of Interrogatories, specifically Nos. 14 and 15 filed by attorney for Defendant.

March 29, 1989 Hearing scheduled for Tuesday, June 20, 1989, through Friday, June 23, 1989, if necessary, in Board's Court Room No. 1 at 10:00 a.m.

March 29, 1989 Supplement to the Department's Answers to Cleveland's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 20, 1989 Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

June 21, 1989 Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

2/29/89
CJG

Noel Gorson, Esquire

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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

June 22, 1989 Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building,
Harrisburg, Pennsylvania, commencing at 10:00 a.m.

June 23, 1989 Hearing held in Board's Court Room No. 1, 707 Transportation and Safety Building,
Harrisburg, Pennsylvania, commencing at 10:00 a.m.

July 21, 1989 Testimony for hearings held June 20, 21, 22 and 23, 1989 filed.

July 24, 1989 Copy of testimony for hearings held June 20, 21, 22 and 23, 1989 forwarded to
attorney for Defendant.

July 27, 1989 Acceptance of Service of Testimony for hearings held June 20, 21, 22 and 23, 1989
received from attorney for Defendant. Receipt of same acknowledged by attorney for
Defendant July 25, 1989.

October 12, 1989 Proposed Findings of Fact, Conclusions of Law and Memorandum in Support of Claimant's
Proposed Findings of Fact and Conclusions of Law filed by attorney for Plaintiff.
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 12, 1989 Proposed Findings of Fact, Conclusions of Law and Brief in Support filed by attorney
for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 29, 1989 Claimant's Reply to Defendant's Brief in Support of Department's Proposed Findings of
Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to
attorney for Defendant by attorney for Plaintiff.

June 4, 1990 The Board rendered an Opinion and made the following order: "AND NOW, this 4th day
of June, 1990, we hereby ORDER Defendant, Commonwealth of Pennsylvania, Department of
Transportation, to recompense IA Construction Corporation, a Corporation in its own
right, the sum of Nineteen Thousand Six Hundred Eighty-Three Dollars and Ninety Cents
(\$19,683.90) and Cleveland Wrecking Co., in its own right, the sum of Seventy
Thousand Dollars (\$70,000.00), each to bear interest at the legal rate of six percent
(6% per annum from November 1983. Each party to bear its own costs." Copy
forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney
General.

[Handwritten signature]

Noah Gerson, Esquire

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Wracking Co., a Corporation, and Cleveland
Wracking Co., in its own Right

CLOSED

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
James W. Kutz, Assistant Counsel

June 13, 1990 Acceptance of Service of Opinion and order dated June 5, 1990 received from attorney
for Defendant. Receipt of same acknowledged by attorney for Defendant June 7, 1990.

June 13, 1990 Acceptance of Service of Opinion and Order dated June 5, 1990 received from Chief
Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney
General June 7, 1990.

June 15, 1990 Acceptance of Service of Opinion and Order dated June 5, 1990 received from attorney
for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 12, 1990.

July 2, 1990 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for
Defendant.

July 3, 1990 Petition for Review received from Commonwealth Court. [No. 1373 C.D. 1990]

August 2, 1990 File transmitted to Commonwealth Court.

April 2, 1991 Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND
NOW, this 28th day of March, 1991, the order of the Board of Claims in the
above-captioned case is affirmed."

June 5, 1991 File returned from Commonwealth Court.