

IA CONSTRUCTION CORPORATION
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

W. Scott Staruch, Esquire
Gerard J. Pisarcik, Esquire
Robert J. Shaar, Esquire
Kenneth L. Sabie, Esquire
Patricia A. Carey, Assistant Counsel
Stephen J. Bisterna, Assistant Counsel

Docket No. 939

CLOSED

Case No. 84-100

June 15, 1984	Complaint and filing fee filed. Amount of Claim: \$123,728.00+.
June 19, 1984	Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.
September 25, 1984	Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
December 7, 1984	Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
July 3, 1986	Präcipe for Substitution of Counsel filed by attorneys for Defendant, withdrawing the appearance of John J. Bucy, Jr., Esquire and substituting therefore, the appearance of Robert J. Shea, Esquire. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
August 1, 1986	Plaintiff's First Set of Interrogatories Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
August 1, 1986	Plaintiff's First Request for Production of Documents Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
July 31, 1987	Präcipe for Substitution of Counsel withdrawing the appearance of Robert J. Shea, Assistant Counsel and substituting the appearance of Patricia A. Carey, Assistant Counsel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
July 31, 1987	Answers to Plaintiff's First Set of Interrogatories Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
December 14, 1987	Defendant's Interrogatories to Plaintiff, IA Construction Corporation - First Set filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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Stephen J. Ruszyna, Assistant Counsel

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January 8, 1988 Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 19, 1988 Defendant's Interrogatories to Plaintiff, IA Construction Corporation - First Set and Plaintiff's Answers to Defendant's Interrogatories - First Set filed by parties.

February 1, 1988 Motion for Sanctions, or in the Alternative, Motion to Compel Plaintiff to Answer Defendant's Interrogatories - First Set and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 11, 1988 Plaintiff's Memorandum in Opposition to Defendant's Motion to Sanctions/Motion to Compel and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 16, 1988 Certificate of Service of Memorandum in Opposition to Defendant's Motion for Sanctions/Motion to Compel filed attorney for Plaintiff.

March 16, 1988 Memorandum of Law in Support of Defendant's Motion to Compel Plaintiff's Answer to Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 28, 1988 Letter/Response to Defendant's Memorandum of Law in Support of Defendant's Motion to Compel Plaintiff's Answer to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 22, 1988 The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of June, 1988, upon consideration of the Motion for Sanctions/Motion to Compel filed on behalf of the Defendant, herein, Commonwealth of Pennsylvania, Department of Transportation. It is hereby ORDERED that the Plaintiff, IA Construction Corporation, shall file complete Answers to the Interrogatories propounded by Defendant, Nos. 5, 6 and 10. Plaintiff need not respond to Interrogatories, Nos. 7, 8, 11 and 12. Plaintiff is hereby DIRECTED to file complete responses to the above-mentioned Interrogatories within thirty (30) days of Plaintiff's receipt of this Order."

- OVER -

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~~Patricia A. Carey, Assistant Counsel~~
Stephen J. Busterna, Assistant Counsel

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W. Scott Staruch, Esquire

June 23, 1988 Copies of Opinion and order dated June 22, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

June 27, 1988 Acceptance of Service of Opinion and Order dated June 22, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant 24 1988.

June 29, 1988 Acceptance of Service of Opinion and Order dated June 22, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 27, 1988.

July 25, 1988 Plaintiff's Answers to Defendant's Interrogatories Nos. 5, 6 and 10 per Board's Order of June 22, 1988 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 11, 1988 Entry of Appearance filed by Stephen J. Busterna, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 5, 1990 Hearing scheduled for April 10, 11 and 12, 1990, in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

February 14, 1990 Stipulation of Fact filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 10, 1990 Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m. Case Completed.

May 4, 1990 Testimony of hearing held April 10, 1990 filed.

May 8, 1990 Copy of testimony for hearing held April 10, 1990 forwarded to attorney for Defendant.

May 9, 1990 Acceptance of Service of Testimony for hearing held April 10, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 8, 1990.

over

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~~Patrick M. Carey, Assistant Counsel~~
~~Stephen J. Buserling, Assistant Counsel~~

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FILED

June 1, 1990 Proposed Findings of Fact, Conclusions of Law, Memorandum in Support of Plaintiff's Proposed Findings of Fact and Conclusions of Law and Appendix to Memorandum in Support of Plaintiff's Proposed Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 13, 1990 Agreement and Release filed by attorney for Defendant, executed by parties.

July 17, 1990 The Board rendered an Opinion and made the following Order: "AND NOW, this 27th day of July, 1990, premised on the record, the pleadings filed, and the need for an in-depth determination, it is hereby ORDERED and DIRECTED that an exploratory hearing be held before the Board of Claims in Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. on Wednesday, August 15, 1990." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 31, 1990 Acceptance of Service of Opinion and Order dated July 27, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 30, 1990.

July 31, 1990 Acceptance of Service of Opinion and Order dated July 27, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 30, 1990.

August 15, 1990 Exploratory Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m. Case settled.

August 30, 1990 Agreement and Release executed by parties filed as Exhibit B-1 to testimony for hearing held August 30, 1990.

August 30, 1990 Testimony of hearing held August 15, 1990 filed.

September 6, 1990 Copy of testimony forwarded to attorney for Defendant.

OK

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September 10, 1990 Acceptance of Service of Testimony for hearing held August 15, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 6, 1990.

September 14, 1990 The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of September, 1990, it is ORDERED and DECREED that the Commonwealth of Pennsylvania, Department of Transportation, is indebted to the Plaintiff, IA Construction Corporation, in the full and true sum of One Hundred One Thousand Five Hundred Six Dollars and Eighty-Two Cents (\$101,506.82). Upon receipt of same, Plaintiff's attorney shall file a Praecipe with the Board indicating that payment was made and requesting that the case be marked terminated and ended with prejudice. Each party to bear its own costs." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

September 17, 1990 Acceptance of Service of Opinion and Order dated September 14, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 14, 1990.

September 21, 1990 Acceptance of Service of Opinion and Order dated September 14, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 20, 1990.

October 1, 1990 Praecipe to Terminate Action filed by attorney for Plaintiff (Gerard J. Pisarcik, Esquire). Copy forwarded to attorney for Defendant (Stephen J. Busterna, Assistant Counsel).

October 3, 1990 The Board made the following Order: "AND NOW, this 3rd day of October, 1990, upon receipt of praecipe to Terminate Action to mark case terminated and ended with prejudice and acknowledging that monies have been paid, executed by Gerard J. Pisarcik, Esquire, on behalf of Plaintiff, same of which is docketed with this Board under date of October 1, 1990, it is ORDERED and DIRECTED that said case be marked settled, discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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~~Stephen J. Dosterma, Assistant Counsel~~

October 4, 1990 Acceptance of Service of Order dated October 3, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 3, 1990.

October 11, 1990 Acceptance of Service of Order dated October 3, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 4, 1990.