

Docket Number: 946

VIETNAM VETERANS COMMITTEE FOR BETTER LEGISLATION

Barton A. Hertzbach, Esquire and  
Joseph C. Vignola, Esquire

vs.  
**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF AGRICULTURE

Stephen R. Pelcher, Assistant Counsel  
Gerald T. Osburn, Chief Counsel

**July 2, 1984**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$213,000.00+.

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**July 10, 1984**

Copies of Complaint forwarded to attorney for Defendant and Chief Deputy Attorney General.

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**September 10, 1984**

Respondent's Answer and New Matter to Claimant's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**CLOSED**

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Hearing scheduled for December 3 through December 6, 1985, if necessary, in the Board's Court Room at 10:00 a.m.

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**December 3, 1985**

Hearing held in Board's Court Room at 10:00 a.m.

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**December 4, 1985**

Hearing held in Board's Court Room at 10:00 a.m. Case completed.

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**January 22, 1986**

Testimony of hearing held December 3, 1985 filed.

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**January 24, 1986**

Copy of testimony forwarded to attorney for Defendant.

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**January 28, 1986**

Testimony of hearing held December 4, 1985 filed.

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**January 30, 1986**

Copy of testimony forwarded to attorney for Defendant.

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**July 21, 1987**

Copy of testimony for hearing held June 30, 1987 forwarded to attorney for Defendant.

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**July 27, 1987**

Acceptance of Service of testimony dated July 21, 1987, received from Defendant. Receipt of same acknowledged by Defendant July 22, 1987.

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**September 28, 1987**

Defendant's Memorandum Following the Hearing on June 30, 1987 Pursuant to the Board of Claims Order of February 20, 1987 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 1, 1987**

Proposed Supplemental Findings of Fact of Plaintiff Vietnam Veterans Committee for Better Legislation filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 21, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of September, 1988, 23 find in favor of Plaintiff, Vietnam Veterans Committee for Better Legislation, and against the Defendant, Commonwealth of Pennsylvania, Department of Agriculture, in the amount of Two Hundred Eleven Thousand Eight Hundred Ninety-Seven Dollars and Seven Cents (\$211,897.07), plus interest from January 1, 1984. Each party to bear its own costs and counsel fees. Provided however, that the testimony before the Board suggested and implied that the Plaintiff was dissolved; accordingly, a further hearing is mandated pursuant to the Act of 1972, November 15; P.L. 1063, No. 271, §7971, 15 Pa. C.S.A. §7972. This hearing shall be held on a day to be set in the immediate future in 1988. The only issues to be addressed shall relate to the reimbursement of expenses and/or obligations incurred by Plaintiff in the performance of its activities on behalf of the Commonwealth and its proposed distribution of many remaining funds derived from this judgement. Plaintiff should be guided by the fact that the Board will expect specificity in its detailed expenses and a documented proposal for disbursement of any remaining proceeds."

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**September 23, 1988**

Copies of Opinion and Order dated September 21, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

**September 27, 1988**

Acceptance of Service of Opinion and Order dated September 21, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 27, 1988.

**September 29, 1988**

Acceptance of Service of Opinion and Order dated September 21, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 26, 1988.

**October 3, 1988**

Motion for Post-Trial Relief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**October 21, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of October, 1988, it is hereby **ORDERED** and **DECREED** that the Defendant's Motion for Post-Trial Relief is hereby **DENIED.**"

**October 25, 1988**

Copies of Opinion and Order dated October 21, 1988, forwarded to attorney for Plaintiff and attorney for Defendant.

**October 31, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, the 31st day of October, 1988, it is hereby **ORDERED** and **DIRECTED** that in accordance with 15 Pa. C.S.A. §7971(b), the Plaintiff, within fifteen (15) days from the date hereof, shall file with the Board its proposal for the disbursements of funds to be awarded in this case, proposed notification and certification of names and addresses of proposed organizations." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

**October 31, 1988**

Acceptance of Service of Opinion and Order dated October 21, 1988, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 28, 1988.

**October 31, 1988**

Acceptance of Service of Opinion and Order dated October 21, 1988, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Defendant October 27, 1988.

**November 1, 1988**

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.

**November 2, 1988**

Petition for Review received from Commonwealth Court. [No. 2525 C.D. 1988]

**CLOSED**

Acceptance of Service of Opinion and Order dated October 31, 1988, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 2, 1988.

**November 7, 1988**

Acceptance of Service of Opinion and Order dated October 31, 1988, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 2, 1988.

**December 9, 1988**

File transmitted to Commonwealth Court.

**December 20, 1988**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of December, 1988, it is hereby **ORDERED** and **DECREED** that all proceedings before this Board are stayed pursuant to Pennsylvania Rules of Appellate Procedure §2572."

**December 21, 1988**

Copies of Opinion and Order dated December 20, 1988, forwarded to attorney for Plaintiff and attorney for Defendant.

**December 28, 1988**

Acceptance of Service of Opinion and Order dated December 20, 1988, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 23, 1988.

**July 25, 1989**

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "**AND NOW**, this 20th day of July, 1989, the motion to quash the appeal filed by the Vietnam Veterans Committee for Better Legislation is granted."

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**January 8, 1990**

Petition for Allowance of Appeal as filed in the Supreme Court filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 8, 1990**

Brief of Respondent in Opposition to Petition for Allowance of Appeal as filed in the Supreme Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 2, 1990**

Copy of Order received from Supreme Court as follows: "This is to advise that the following Order has been entered for the Petition for Allowance of Appeal for the above-captioned matter: 'March 9, 1990, Petition Denied Per Curiam.'"

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**April 2, 1990**

File returned from Commonwealth Court.

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**April 4, 1990**

Request for the Production and Inspection of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 9, 1990**

Certificates of Service of the Articles of Incorporation filed by attorney for Plaintiff via **MAIL**. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 16, 1990**

Defendant's First Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 7, 1990**

Plaintiff's Answers to Defendant's First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 7, 1990**

Request for the Production and Inspection of Documents and Plaintiff Vietnam Veterans Committee for Better Legislation's Proposal for Distribution filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 19, 1990**

Stipulation of Settlement executed by attorney for Plaintiff and attorney for Defendant and filed by attorney for Plaintiff.

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**CLOSED**

**August 15, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of August, 1990, it is **ORDERED** and **DECREED** that an exploratory hearing shall be held before the Board of Claims, in Courtroom No.1, 707 Transportation and Safety Buildings, beginning at 10:00 a.m. on the 18th day of September, 1990. It is further **ORDERED** and **DECREED** that Joseph C. Vignola, Esquire, of Philadelphia, Pennsylvania be, and is hereby, appointed as independent counsel to the Claimant, Vietnam Veterans Committee for Better Legislation, at a fixed fee, therefore, of One Hundred Dollars (\$100) per hour. It is further **ORDERED** and **DECREED** that Barton A. Hetzbach, Esquire, counsel for Claimant, shall provide the said Joseph C. Vignola, Esquire, with a copy of any fee agreement, time records, expense vouchers and any other records and documents which he believes shall justify his requested fee consistent with Rule No. 7.5 of the Rules of Professional Conduct. It is further **ORDERED** and **DECREED** that Claimant shall provide the said Joseph C. Vignola, Esquire, with any and all documents which will purport to establish the continued active existence of it since 1983. This documentation shall include all activities conducted by it in support of its corporate purpose. It is further **ORDERED** and **DECREED** that Defendant, Commonwealth of Pennsylvania, Department of Agriculture, shall within ten (10) days of this Order, deposit with The Mellon Bank located at 10 South Market Street, Harrisburg, Pennsylvania, a check in the amount of two Hundred Ninety-Two Thousand Three Hundred Seventy-Five Dollars and Fifty-Seven Cents (\$292,375.57), same to be administered and invested as deemed fit by James H. Best and Thomas C. Houser, Vice-President and Trust Officer, respectively, for said Mellon Bank. Interest accruing against the Defendant shall terminate as of the day Stipulation of Settlement specified, i.e. June 22, 1990. Finally, it is **ORDERED** and **DECREED** that disbursements of said funds shall be done only on the issuance of an Order by the Board of Claims subsequent to the exploratory hearings." Copies forwarded to attorney for Plaintiff, attorney for Defendant, Chief Deputy Attorney General, Mr. Osburn, Mr. Vignola, and Mr. Best (Mellon Bank).

**August 20, 1990**

Acceptance of Service of Opinion and Order dated August 15, 1990, received from attorney for Defendant (Gerald T. Osburn, Chief Counsel). Receipt of same acknowledged by attorney for Defendant August 25, 1990.

**August 20, 1990**

Acceptance of Service of Opinion and Order dated August 15, 1990, received from attorney for Plaintiff (Barton A. Hertzbach, Esquire). Receipt of same acknowledged by attorney for Plaintiff August 17, 1990.

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**August 21, 1990**

Acceptance of Service of Opinion and Order dated August 15, 1990, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 16, 1990.

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**August 28, 1990**

Acceptance of Service of Opinion and Order dated August 15, 1990, received from Joseph C. Vignola, Esquire. Receipt of same acknowledged by Joseph C. Vignola, Esquire, August 23, 1990.

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**CLOSED**

Exploratory hearing held this date in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:40 a.m. Case continued.

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**September 27, 1990**

Exploratory hearing scheduled for October 10, 1990, in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing 10:00 a.m.

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**October 1, 1990**

Testimony for exploratory hearing held September 18, 1990 filed.

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**October 2, 1990**

Copy testimony for exploratory hearing held September 18, 1990 forwarded to attorney for Defendant.

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**October 5, 1990**

Acceptance of Service of testimony for hearing held September 18, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 3, 1990.

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**October 10, 1990**

Amendment of Stipulation of Settlement filed by attorney for Plaintiff and attorney for Defendant.

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**October 10, 1990**

Exploratory hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10 a.m. Case concluded.

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**November 5, 1990**

Statement of Account received from the Trust and Investment Department of the Mellon Bank.

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**November 8, 1990**

Testimony for exploratory hearing held on October 10, 1990 filed.

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**November 9, 1990**

Copy of testimony for exploratory hearing held on October 10, 1990 forwarded to attorney for Defendant.

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**November 9, 1990**

Copy of testimony for exploratory hearing held on October 10, 1990 forwarded to attorney for Plaintiff and Independent Counsel for Plaintiff.

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**November 13, 1990**

Petition for Allowance of Compensation and Expenses and Proposed Order filed by Independent Counsel for Plaintiff. Copies forwarded to attorney for Plaintiff and attorney for Defendant by Independent Counsel for Plaintiff.

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**November 19, 1990**

Acceptance of Service of testimony for exploratory hearing held October 10, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 1990.

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**November 19, 1990**

Acceptance of Service of testimony for exploratory hearing held October 10, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 13, 1990.

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**November 21, 1990**

Acceptance of Service of testimony for exploratory hearing held October 10, 1990 received from attorney for Plaintiff (Joseph C. Vignola, Esquire). Receipt of same acknowledged by attorney for Plaintiff November 13, 1990.

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**December 7, 1990**

Statement of Account received from the Trust and Investment Department of the Mellon Bank.

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**January 7, 1991**

Statement of Account received from the Trust and Investment Department of the Mellon Bank.

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**February 4, 1991**

Statement of Account received from the Trust and Investment Department of the Mellon Bank.

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**February 14, 1991**

**CLOSED**  
The Board rendered an opinion and made the following Order: "AND NOW, this 14th day of February, 1991, upon consideration of the annexed Petition and Verification of Independent Counsel, it is hereby **ORDERED** and **DECREED** that Joseph C. Vignola, Esquire is hereby **GRANTED** compensation in the sum of Five Thousand Seven Hundred Twenty-Five Dollars and Fifty-One Cents (\$5,725.51) pursuant to the Order of this Board dated August 15, 1990; said allowance shall be charged upon the monies awarded to the Claimant, Vietnam Veterans Committee for Better Legislation, to be paid by them, Mellon Bank, the Escrow Bank, or Claimant's Counsel of Record as agreed to between Claimant and Independent Counsel. It is further **ORDERED**, since said Independent Counsel may be entitled to additional counsel fees and reasonable costs, that Claimant set aside the sum of Three Thousand Dollars (\$3,000.00) and not otherwise disperse same prior to the entry of the Final Order for counsel fees to Mr. Vignola." Copies forwarded to attorney for Plaintiff, Independent Counsel, attorney for Defendant and Chief Deputy Attorney General.

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**February 14, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of February, 1991, it is hereby **ORDERED** and **DECREED** as follows: 1. That this Board hereby accepts and approves the Stipulation and Settlement filed with this Board on June 19, 1990; and, 2. That this Board hereby accepts and approves the Amendment of Stipulation of Settlement filed with this Board on October 10, 1990; and, 3. That this Board hereby authorizes the release of funds from the special trust account established with Mellon Bank by the Independent Counsel consistent with this Order and the Order of February 14, 1991 dealing with the interim award of fees and costs to Independent Counsel; and, 4. That Independent Counsel shall file with the appropriate Federal, State, and Local taxing bodies any and all tax returns mandated by the establishment of this special trust account; and, 5. That all parties shall report to this Board in writing within ninety (90) days hereof as to their compliance with the terms of this Order; and, 6. That for the limited purposes expressed herein, the Board retains jurisdiction over the matter." Copies forwarded to attorney for Plaintiff, Independent Counsel, attorney for Defendant and Chief Deputy Attorney General.

**CLOSED**

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**February 20, 1991**

Acceptance of Service of Opinions and Orders dated February 14, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 15, 1991.

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**February 21, 1991**

Acceptance of Service of Opinions and Orders dated February 14, 1991 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 14, 1991.

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**February 25, 1991**

Acceptance of Service of Opinions and Orders dated February 14, 1991 received from Independent Counsel. Receipt of same acknowledged by Independent Counsel February 18, 1991.

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**February 25, 1991**

Acceptance of Service of Opinions and Orders dated February 14, 1991 received from Plaintiff. Receipt of same acknowledged by Plaintiff February 18, 1991.

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**March 7, 1991**

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

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**April 8, 1991**

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

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**May 6, 1991**

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

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**June 3, 1991**

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

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**July, 1991**

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

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**August 5, 1991**

Statement of Account received from the Trust and Investment Department of The Mellon Bank.

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**August 20, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of August, 1991, it is **ORDERED** and **DECREED** that the case of Vietnam Veterans Committee for Better Legislation, the Plaintiff, against the Defendant, Commonwealth of Pennsylvania, Department of Agriculture, be marked settled and terminated with prejudice." Copies forwarded to attorney for Plaintiff, Independent Counsel, and attorney for Defendant.

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**August 27, 1991**

Acceptance of Service of Opinion and Order dated August 20, 1991 received from Defendant. Receipt of same acknowledged by attorney for Defendant August 22, 1991.

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**September 6, 1991**

Acceptance of Service of Opinion and Order dated August 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 22, 1991.

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**September 9, 1991**

Acceptance of Service of Opinion and Order dated August 20, 1991 received from Independent Counsel. Receipt of same acknowledged by Independent Counsel September 3, 1991.

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**CLOSED**