

Docket Number: 1040

CRAWFORD'S AUTO CENTER, INC.

H. Michael Cohen, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE POLICE and
~~*J. COCHRAN, JR., COMMISSIONER and LEROY ZIMMERMAN, ATTORNEY GENERAL~~
Michael S. Sherman, Assistant Counsel
~~Francis O'Brien, Chief Counsel~~
~~Delaney W. Davis, Senior Deputy Attorney General~~
~~Joanna N. Reynolds, Assistant Counsel~~

VS.

COUNTY OF CHESTER,
~~GENERAL ELECTRIC CREDIT CORPORATION and~~
~~ASSOCIATES COMMERCIAL CORPORATION~~
~~John Halsted, Esquire~~
~~Thomas L. Whiteman, Esquire~~

December 23, 1985

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: 78,454.00

December 30, 1985

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

March 31, 1986

Petition for Default Judgment and Proposed Rule to Show Cause filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 11, 1986

Answer of the Pennsylvania State Police to Petition for Default Judgment and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 16, 1986

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

April 23, 1986

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 23rd day of April, 1986, upon consideration of Plaintiff's Petition for Default Judgment and the Defendant's Pennsylvania State Police, Answer thereto, the Board determines there is a lack of merit to the request in the Petition and, therefore, said Petition is **DENIED**. Remaining outstanding and not determined by this Order are the Preliminary Objections filed to the Plaintiff's Complaint, docketed under date of April 16, 1986. Said Objections shall be ruled upon the due course." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and Delancy W. Davis, Senior Deputy Attorney General.

April 30, 1986

Acceptance of Service of Order, dated April 23, 1986, received from Mr. Davis. Receipt of same acknowledged by Mr. Davis April 25, 1986.

May 2, 1986

Acceptance of Service of Order dated April 23, 1986, received from Mr. Cohen. Receipt of same acknowledged by Mr. Cohen April 25, 1986.

May 2, 1986

Answer of Crawford's Auto Center, Inc., Plaintiff, to New Matter of the Pennsylvania State Police filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 8, 1986

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

May 8, 1986

Acceptance of Service of Order, dated April 23, 1986 received from Ms. Reynolds. Receipt of same acknowledged by Ms. Reynolds, May 2, 1986.

May 20, 1986

Brief in Support of Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 9, 1986

Brief of Plaintiff, Crawford's Auto Center, Inc., in Opposition to Preliminary Objections of Pennsylvania State Police, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

***August 26, 1986**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 26th day of August, 1986, the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Pennsylvania State Police and Jay Cochran, Jr., Commissioner and Leroy Zimmerman, Attorney General, are **DENIED**. Further, Jay Cochran and Leroy Zimmerman are dismissed as Defendant parties and the caption of the instant case shall be amended to reflect this Order and shall read: Crawford's Auto Center, Inc., vs. Commonwealth of Pennsylvania, Pennsylvania State Police - Before the Board of Claims - Docket No. 1040. The Defendant is given thirty (30) days from the date of this Order in which to file Responsive Pleadings."

August 27, 1986

Copies of Opinion and Order, dated August 26, 1986, forwarded to attorney for Plaintiff and attorney for Defendant.

September 1, 1986

Acceptance of Service of Opinion and Order, dated August 26, 1986, received from Plaintiff. Receipt of same acknowledged by Plaintiff August 29, 1986.

September 3, 1986

Acceptance of Service of Opinion and Order dated August 26, 1986, received from Defendant. Receipt of same acknowledged by attorney for Defendant August 29, 1986.

September 29, 1986

Answer to Complaint and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 10, 1986

Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 14, 1986

Plaintiff's Preliminary Objections to Defendant's Answer to Complaint and Motion for Default Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 15, 1986

Defendant's Response to Plaintiff's Preliminary Objections and Motion for Default Judgment; Plaintiff's Motion for Extension of

Time Nunc Pro Tunc filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 17, 1987

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of February, 1987, the request of the Plaintiff in the Nature of a Motion to Strike and/or a Motion for Default Judgment are **DENIED**. It is the hope and anticipation of the Board that the Pleadings are closed and that this case can proceed in an expeditious and orderly manner." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 24, 1987

Acceptance of service of Opinion and Order dated February 17, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff February 19, 1987.

April 1, 1987

Notice of Taking of Oral Deposition of Barry Harvey, Joseph Joy, Martin Carbonell and Clifford Shaw filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 20, 1987

Petition for Extension of Time to Join Additional Defendants - Nunc Pro Tunc filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and Proposed Additional Defendants by attorney for Defendant.

***June 5, 1987**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 5th day of June, 1987, upon consideration of the Petition for Extension of Time to Join Additional Defendants - Nunc Pro Tunc, it is hereby **ORDERED** and **DECREED** that the time in which Defendant, Pennsylvania State Police, may join as additional Defendants, County of Chester, General Electric Credit Corporation and Associates Commercial Corporation is extended to July 15, 1987. It is further **ORDERED** that the caption will be amended and, from this date forward, shall appear as follows: CRAWFORD'S AUTO CENTER, INC. VS. COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA STATE POLICE, Defendant VS. COUNTY OF CHESTER, GENERAL ELECTRIC CREDIT CORPORATION and ASSOCIATES COMMERCIAL CORPORATION, Additional Defendant: BEFORE THE BOARD OF CLAIMS, DOCKET NO. 1040."

June 8, 1987

Copies of Opinion and Order dated June 5, 1987 forwarded to attorney

for Plaintiff and attorney for Defendant.

June 11, 1987

Answer of Crawford's Auto Center, Inc to Petition to Join Additional Defendants - Nunc Pro Tunc filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 11, 1987

Request for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 11, 1987

Acceptance of Service of Opinion and Order dated June 5, 1987 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 9, 1987.

July 7, 1987

Answer to Request for Admissions Under a. F.R.C.P. 36, 1914 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 15, 1987

Third Party Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

July 22, 1987

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 22nd day of July, 1987, it is **ORDERED** and **DIRECTED** that upon a review of all the records and documents filed herein, including the Answer of Crawford's Auto Center, Inc., the Board reaffirms its Order of June 5, 1987 and establishes that the caption as previously revised shall continue to be : Crawford's Auto Center, Inc. vs. Commonwealth of Pennsylvania, Pennsylvania State Police vs. County of Chester, General Electric Credit Corporation, and Associates Commercial Corporation, Before the Board of Claims, Docket No. 1040."

Copies forwarded to attorney for Plaintiff, attorney for Defendant, and attorney for Additional Defendant (Mr. Maister), Additional Defendant (General Electric Credit Corporation), and Additional Defendant (Associates Commercial Corporation).

July 22, 1987

Copies of Opinion and Order of June 1987 forwarded to Additional Defendant.

July 29, 1987

Copy of Third Party Complaint forwarded to Chief Deputy Attorney General.

August 3, 1987

Acceptance of Service of Opinion and Order dated July 22, 1987 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 24, 1987.

August 5, 1987

Acceptance of Service of Third Party Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General July 30, 1987.

August 14, 1987

Entry of Appearance of C. Grainger Bowman, Esquire on behalf of Third Party Defendant, Associates Commercial Corporation. Copies forwarded to all parties of record by attorney for Third Party Defendant.

August 14, 1987

Motion of Associates Commercial Corporation, Third Party Defendant for Extension of Time to Move or Otherwise Plead and Proposed Order

filed by attorney for Additional Defendant. Copies forwarded to all parties by attorney for Additional Defendant.

August 14, 1987

The Board made the following Order: **"AND NOW**, this 14th day of August, 1987, upon consideration of the Motion of Associates Commercial Corporation, Third Party Defendant in the above-captioned matter, it is hereby ordered that the time within which Associates Commercial Corporation, Third Party Defendant, may move or otherwise plead to the averments contained in the Third Party Complaint shall be extended until on or before September 14, 1987.

August 17, 1987

Copies of Order dated August 14, 1987 forwarded to attorney for Plaintiff, attorney for Defendant, attorney for Additional Defendant (Mr. Halsted), attorney for Additional Defendant (Mr. Bowman) and Additional Defendant (General Electric Credit Corporation).

August 17, 1987

Acceptance of Service of Opinion and Order dated July 22, 1987 received from Additional Defendant (General Electric Credit Corporation). Receipt of same acknowledged by Additional Defendant July 28, 1987.

August 27, 1987

Acceptance of Service of Order dated August 14, 1987 received from Additional Defendant (Mr. Halsted). Receipt of same acknowledged by Additional Defendant August 20, 1987.

August 28, 1987

Affidavit of Service of Third Party Complaint filed by attorney for Defendant

September 14, 1987

Answer of County of Chester to Third Party Complaint and New Matter filed by attorney for Additional Defendant (Mr. Whiteman). Copies forwarded to all parties by attorney for Additional Defendant (Mr. Whiteman).

September 18, 1987

Preliminary Objections of General Electric Credit Corporation to the Third Party Complaint filed by attorney for Additional Defendant (Mr. Baker). Copies forwarded to all parties by attorney for Additional Defendant (Mr. Baker).

September 18, 1987

Memorandum of Law in Support of Preliminary Objections of General Electric Credit Corporation to the Third Party Complaint filed by attorney for Additional Defendant (Mr. Baker). Copies forwarded to all parties by attorney for Additional Defendant (Mr. Baker).

CLOSED
October 1, 1987

Answer of the Pennsylvania State Police to New Matter filed by the County of Chester filed by attorney for Defendant. Copy forwarded to all parties by attorney for Defendant.

October 19, 1987

Motion of Pennsylvania State Police for Extension of Time to Answer the Preliminary Objections of Third Party Defendant General Electric Credit Corporation and Proposed Order filed by attorney for Defendant. Copies forwarded to all parties by attorney for Defendant.

October 20, 1987

The Board made the following Order: **"AND NOW**, this 20th day of October, 1987, upon consideration of the Motion of the Pennsylvania State Police, Defendant, in the above-captioned matter, it is hereby ordered that the time within which the Pennsylvania State Police may answer the Preliminary Objections of General Electric Credit Corporation to the Third Party Complaint shall be extended until on or before November 2, 1987."

October 21, 1987

Copies of Order dated October 20, 1987 forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

October 26, 1987

Acceptance of Service of Order dated October 20, 1987, received from Additional Defendant (Mr. Whiteman). Receipt of same acknowledged by Additional Defendant October 23, 1987.

October 28, 1987

Acceptance of Service of Order dated October 20, 1987, received from Additional Defendant (Mr. Brown). Receipt of same acknowledged by Additional Defendant October 26, 1987.

October 29, 1987

Acceptance of Service of Order dated October 20, 1987 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 23, 1987.

November 2, 1987

Reply of the Pennsylvania State Police to Preliminary Objections filed by General Electric Credit Corporation filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff and attorneys for Additional Defendants by attorney for Defendant.

November 9, 1987

Preliminary Objections of Associates Commercial Corporation to the Third Party Complaint filed by attorney for Additional Defendant (Associates Commercial Corporation). Copies forwarded to all parties by attorney for Additional Defendant.

November 9, 1987

Entry of Appearance filed by Mary Jane Forbes, Esquire, attorney for Additional Defendant (Associates Commercial Corporation). Copies forwarded to all parties by attorney for Additional Defendant.

November 12, 1987

Acceptance of Service of Order dated October 20, 1987, received from Additional Defendant (General Electric Credit Corporation). Receipt of same acknowledged by Additional Defendant October 26, 1987.

November 12, 1987

Supplemental Memorandum of Law in Support of the Preliminary Objections of General Electric Credit Corporation to the Third Party Complaint filed by attorney for Additional Defendant (General Electric Credit Corporation). Copies forwarded to all parties by attorney for Additional Defendant.

CLOSED

November 23, 1987

Additional Defendant Associates Commercial Corporation's Brief in Support of Preliminary Objections to the Third Party Complaint filed by attorney for Additional Defendant (Associates Commercial Corporation). Copies forwarded to all parties by attorney for Additional Defendant.

November 30, 1987

Motion of Pennsylvania State Police for Extension of Time to Answer the Preliminary Objections of Third Party Defendant Associates Commercial Corporation and Proposed Order filed by attorney for Defendant. Copies forwarded to all parties by attorney for Defendant.

December 3, 1987

The Board made the following Order: "AND NOW, this 3rd day of December, 1987, upon consideration of the Motion of the Pennsylvania State Police, Defendant, in the above-captioned matter, it is hereby ordered that the time within which the Pennsylvania State Police may answer the Preliminary Objections of Associates Commercial Corporation to the Third Party Complaint shall be extended until on or before December 4, 1987.

March 25, 1988

Motion of Pennsylvania State Police to File its Answer to New Matter of Defendant, General Electric Credit Corporation Nunc Pro Tunc filed by attorney for Defendant. Copies forwarded to attorneys for all parties by attorney for Defendant.

June 8, 1988

Stipulation of Dismissal and Discontinuance filed by attorney for Defendant (Joanna N. Reynolds, Assistant Counsel). Copy forwarded to attorney for Plaintiff by attorney for Defendant (Joanna N. Reynolds, Assistant Counsel).

June 10, 1988

Copies of Opinion and Order dated June 8, 1988 forwarded to attorney for Plaintiff, attorney for Defendant, and attorneys for Additional Defendants.

June 10, 1988

Acceptance of Service of Opinion and Order dated June 8, 1988 received from attorney for Additional Defendant (GECC). Receipt of same acknowledged by attorney for Additional Defendant June 13, 1988.

June 23, 1988

Acceptance of Service of Opinion and Order dated June 8, 1988 received from attorney for Additional Defendant (County of Chester). Receipt of same acknowledged by attorney for Additional Defendant June 17, 1988.

September 20, 1988

The Board made the following Order: "**AND NOW** , this 20th day of September, 1988, upon receipt of Stipulation of Dismissal and Discontinuance, executed by Joanna N. Reynolds, Esquire, on behalf of Defendant, Randolph M. Baker, Esquire, on behalf of Additional Defendant, General Electric Credit Corporation, and Thomas L. Whiteman, Esquire, on behalf of Additional Defendant, County of Chester, same of which is docketed with this Board under date of June 8, 1988, it is **ORDERED** and **DIRECTED** that the Third-Party Complaint filed against Additional Defendant, General Electric Credit Corporation, and all causes of action and claims against said Additional Defendant, be and are hereby dismissed and discontinued with prejudice." Copies forwarded to attorney for Plaintiff and attorneys for Defendants.

September 29, 1988

Acceptance of Service of Order dated September 20, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 23, 1988.

September 29, 1988

Acceptance of Service of Order dated September 20, 1988 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant September 26, 1988.

January 5, 1989

Defendant's First Interrogatories and Request for Production of Documents to Plaintiff, Crawford's Auto Center, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

May 15, 1989

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

May 15, 1989

Plaintiff's First Interrogatories and Request for Production of Documents to Defendant, Pennsylvania State Police filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 15, 1989

Second Request for Admissions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 30, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 30th day of November, 1989, the Defendant is given thirty (30) days from the date of this Order to file appropriate responses to the following: (1) The Plaintiff's First Request for Admissions filed on June 11, 1987; (2) the Plaintiff's First Interrogatories and Requests for Production of Documents filed on May 15, 1989; and (3) The Plaintiff's Second Request for Admissions filed on May 15, 1989." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

December 8, 1989

Acceptance of Service of Opinion and Order dated November 30, 1989, received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant December 6, 1993.

December 4, 1987

Copies of Order dated December 3, 1987 forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

December 11, 1987

Acceptance of Service of Order dated December 3, 1987 received from Additional Defendant (County of Chester). Receipt of same acknowledged by Additional Defendant December 8, 1987.

December 11, 1987

Acceptance of Service of Order dated December 3, 1987 received from Additional Defendant (General Electric Credit Corporation). Receipt of same acknowledged by Additional Defendant December 8, 1987.

December 17, 1987

The Board rendered an Opinion and made the following Order: **AND NOW**, this 17th day of December, 1987, the Preliminary Objections as filed by the Additional Defendants, General Electric Credit Corporation (GECC) as Associates Commercial Corporation (ACC) are **DENIED**. Both Third-Party Additional Defendants are requested to file responsive pleadings within thirty (30) days of the date of this Order."

December 18, 1987

Copies of Opinion and Order dated December 17, 1987 forwarded to attorney for Plaintiff, attorney for Defendant and attorneys for Additional Defendants.

December 23, 1987

Acceptance of Service of Opinion and Order dated December 17, 1987 received from Additional Defendant (Associates Commercial Corporation). Receipt of same acknowledged by Additional Defendant December 21, 1987.

December 24, 1987

Acceptance of Service of Opinion and Order dated December 17, 1987 received from Additional Defendant (County of Chester). Receipt of same acknowledged by Additional Defendant December 21, 1987.

December 29, 1987

Acceptance of Service of Opinion and Order dated December 17, 1987, received from Additional Defendant (General Electric Credit Corporation). Receipt of same acknowledged by Additional Defendant December 21, 1987.

December 21, 1987

Stipulation of Dismissal filed by attorney for Defendant and attorney for Additional Defendant. Copy forwarded to all parties.

***January 7, 1988**

The Board made the following Order: "**AND NOW**, this 7th day of January, 1988, upon receipt of Stipulation of Dismissal, executed by Joanna N. Reynolds, Esquire, on behalf of Defendant, and Mary Jane Forbes, Esquire, on behalf of Additional Defendant, Associates Commercial Corporation, same of which is docketed with this Board under date of December 29, 1987, it is **ORDERED** and **DIRECTED** that said case be marked settled, discontinued and ended with prejudice."

January 8, 1988

Copies of Order dated January 7, 1988 forwarded to all parties.

January 19, 1988

Acceptance of Service of Opinion and Order dated December 17, 1987 received from Plaintiff. Receipt of same acknowledged by Plaintiff December 21, 1987.

January 19, 1988

Acceptance of Service of Opinion and Order dated January 7, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 21, 1987.

January 21, 1988

Answer and New Matter to Third Party Complaint filed by attorney for Additional Defendant (General Electric Credit Corporation). Copies forwarded to all parties by attorney for Additional Defendant.

January 22, 1988

Acceptance of Service of Order dated January 7, 1988 received from Additional Defendant (Associates Commercial Corporation). Receipt of same acknowledged by Additional Defendant January 11, 1988.

February 18, 1988

Plaintiff's Answer to New Matter of Defendant, General Electric Credit Corporation filed by attorney for Plaintiff. Copies forwarded to all parties by attorney for Plaintiff.

March 17, 1988

Chester County's Answer to New Matter of Defendant, General Electric Credit Corporation filed by attorney for Additional Defendant (County of Chester). Copies forwarded to all other parties by attorney for Additional Defendant.

December 12, 1989

Acceptance of Service of Opinion and Order dated November 30, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 4, 1989.

January 2, 1990

Answer of the Defendant, Pennsylvania State Police, to the Plaintiff's First Interrogatories and Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 2, 1990

Defendant, Pennsylvania State Police's Answer to Plaintiff's Second Request for Admissions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 2, 1990

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

March 13, 1991

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of March, 1991, it is ORDERED and DECREED that Defendant, Commonwealth of Pennsylvania, Pennsylvania State Police, is **DIRECTED** to answer Interrogatory No. 2(b) only to the extent that it covers a period of time for the three (3) years immediately preceding the institution of this Complaint. Copy forwarded to attorney for Plaintiff, attorney for Defendant and Attorney for Additional Defendant.

March 19, 1991

Acceptance of Service of Opinion and Order dated March 13, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 15, 1991.

July 15, 1992

Hearing scheduled for September 22, 23, 24 and 25, 1992, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Bldg., Harrisburg, PA at 10 a.m.

July 22, 1992

Proposed Rule to Show Cause and Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 4, 1992

Proposed Rule to Show Cause and Amended Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 14, 1992

Response to Motion for Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 21, 1992

Supplemental Answer to Interrogatories filed by attorney for Defendant (Pennsylvania State Police). Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

August 26, 1992

Praecipe for Withdrawal of Appearance of Joanna N. Reynolds, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

August 26, 1992

Praecipe for Entry of Appearance of Michael S. Sherman, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

CLOSED

September 2, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 2nd day of September, 1992, in that there has been full compliance with the Board's Order dated March 13, 1991, the request for the Motion for Sanctions, insofar as the request that the Board enter judgement by default is **DENIED**. Further, it is requested that the Board refuse Defendant from entering into any evidence contrary to Plaintiff's Claim; same is **DENIED**, and the request that the Board issue an Order imposing counsel fees is **DENIED**. It is determined that no additional appropriate response is in order. This Order is determinative of the Motion for Sanctions, and same is resolved in the fashions of this Order." Copies forwarded to attorney for Plaintiff, attorney for Additional Defendant and attorney for Defendant.

September 10, 1992

Motion for Summary Judgement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

September 11, 1992

Deposition of Stephen Behrndt, which was intended to be filed simultaneously with the Motion for Summary Judgment and which is accepted to be filed simultaneously therewith, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

September 15, 1992

Acceptance of Service of Opinion and Order dated September 2, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff of September 5, 1992.

CLOSED

September 17, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of September, 1992, the Motion for Summary Judgment as filed by defense counsel, is hereby **DENIED**: (1) for being untimely filed, and (2) the Statute of Limitations is a waivable statutory event and testimony in this instance is required.¹ ¹ The record of this Claim to this point is rather exhausting. It is pointed out that the docket entries cover fifteen (15) pages of the Board of Claims' docket sheets. Can one impute fairness? It is further pointed out that during the course of the matter to this point, on behalf of the Defendants named in the original caption, there has been eight (8) attorneys-at-law." Copies forwarded, via fax, to attorney for Plaintiff and attorney for Defendant.

September 18, 1992

Copy of Opinion and Order dated September 17, 1992 forwarded, via fax, to attorney for Additional Defendant.

September 18, 1992

Plaintiff, Crawford Auto Center, Inc.'s Response to Pennsylvania State Police's Motion for Summary Judgment and Brief in Support of Response to Pennsylvania State Police's Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded, via fax and U.S. Mail to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

September 22, 1992

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Bldg., Harrisburg, Pennsylvania, commencing at 10:10 a.m.

September 23, 1992

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Bldg., Harrisburg, Pennsylvania, commencing at 10:15 a.m. Case completed.

October 19, 1992

Testimony for hearing held September 22 and 23, 1992 filed.

October 23, 1992

Copies of testimony dated September 22 and 23, 1992 forwarded to attorney for Defendant and attorney for Additional Defendant.

October 28, 1992

Acceptance of Service of testimony for hearing held September 22 and 23, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant October 26, 1992.

November 16, 1992

Stipulations and Proposed Orders, to extend the time for the filing of Proposed Findings of Fact, Conclusions of Law and Memorandum of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

December 1, 1992

The Board made the following Order: " **AND NOW**, this 1st day of December, 1992, per Stipulations and Proposed Orders, the following briefing schedule is issued: Plaintiff is hereby **DIRECTED** to file its Proposed Findings of Fact, Conclusions of Law and Brief in Support thereof on or before December 3, 1992, and serve a copy of same on Defendant and Additional Defendant. Thereafter, Defendant is

DIRECTED to file its proposed Findings of Fact, Conclusions of Law and Brief in Support thereof on or before January 19, 1993 and serve a copy of same on Plaintiff and Additional Defendant. Thereafter, Additional Defendant is **DIRECTED** to file its Proposed Findings of Fact, Conclusions of Law and Brief in Support thereof, on or before February 26, 1993." Copies forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendant.

December 1, 1992

Proposed Findings of Fact, Conclusions of Law and Memorandum of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

December 10, 1992
Acceptance of Service of Order dated December 1, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant December 7, 1992.
February 5, 1993

Proposed Findings of Fact, Proposed Conclusions of Law and Memorandum of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

February 22, 1993

Proposed Findings of Fact, Conclusions of Law and Memorandum of Law of County of Chester filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

June 23, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of June, 1993, after hearing and due consideration of the record and submissions of the parties, it is hereby **ORDERED** that the matter docketed to No. 1040 be **DISMISSED** because the Board finds that the Defendant, Commonwealth of Pennsylvania, Pennsylvania State Police, has no liability for the payment of towing and storage costs in the present case as a matter of law. Each party to bear its own costs and attorney fees." Copies forwarded to all attorneys of record and Chief Deputy Attorney General.

June 28, 1993

Acceptance of Service of Opinion and Order dated June 23, 1993 received from attorney for Plaintiff. Receipt of same acknowledged

by attorney for Plaintiff (undated).

July 1, 1993

Acceptance of Service of Opinion and Order dated June 23, 1993 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 25, 1993.

July 2, 1993

Acceptance of Service of Opinion and Order dated June 23, 1993 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant June 29, 1993.

July 12, 1993

Copies of Petition for Review are filed in Commonwealth Court filed by attorney for Plaintiff.

July 13, 1993

Petition for review received from Commonwealth Court. (No. 1020 C.D. 1992).

July 30, 1993

File Transmitted to Commonwealth Court.

August 13, 1993

Courtesy copy of Appellant's Designation of Record and Statement of Issues Presented for Review, as filed in Commonwealth Court, received from attorney for Plaintiff.

CLOSED

August 20, 1993

Courtesy copy of Appellee, Pennsylvania State Police's Designation of Record, as filed in Commonwealth Court, received from attorney for Defendant.

October 29, 1993

Courtesy copy of Reply Brief of Appellant, as filed in Commonwealth Court, received from attorney for Plaintiff.

October 11, 1995

Petition for Allowance of Appeal from Commonwealth Court denied.

November 30, 1995

File returned from Commonwealth Court.

January 16, 1996

Copy of Opinion and Order received from Commonwealth Court. Order as follows: **AND NOW**, this 24th day of February, 1996, the order of the Board of Claims, dated June 23, 1993, is reversed and this case is remanded to the Board of Claims to hold a hearing, if necessary, and to issue a decision supplying the omitted essential term of the implied contract between the Pennsylvania State Police and Crawford's Auto Center, Inc. by computing a reasonable payment to Crawford's Auto Center, Inc., in light of the circumstances. Jurisdiction relinquished."

February 2, 1996

Panel Hearing scheduled for March 12 and 13, 1996 to be held in Board's Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania to commence at 9:30 a.m.

March 8, 1996

Panel hearing originally scheduled for March 12 and 13, 1996 **canceled**.

Panel Haring **rescheduled** to be heard April 24, 1996, in Board's Courtroom No. 2, 6th Floor, Fulton Bldg., Harrisburg, PA commencing at 9:30 a.m.

April 24, 1996

Panel Hearing held this date commencing at 9:30 a.m. in Board's Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, Pennsylvania. Case completed.

May 9, 1996

Testimony of Panel hearing held April 24, 1996 filed. Plaintiff's Findings etc. due June 12, 1996.

June 3, 1996

Acceptance of Service of testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 16, 1996.

June 7, 1996

Plaintiff's Proposed Findings of Fact, Conclusions of Law and Memorandum of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 8, 1996

Letter/Request for extension of Time to file Defendant's Findings of Fact, pending settlement, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 9, 1996

Letter forwarded to Defendant, with copy to Plaintiff, granting extension of time to file Defendant's Findings of Fact, etc. pending settlement, until the final approval of a Settlement Agreement. **Defendant's Findings of Fact not due pending the finalization of the parties' Settlement Agreement.**

January 29, 1997

Letter/Praecipe advising that the parties have settled and the case may be closed filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 7, 1997

The Board rendered the following Order: "AND NOW, this 7th day of February, 1997, upon receipt of a Letter/Praecipe, advising that "the matter has been settled by the parties and the Board of Claims may close the file of the matter", executed by H. Michael Cohen, Esquire, on behalf of Plaintiff, Crawford's Auto Center, Inc., same of which is docketed with the Board under date of January 29, 1997, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 18, 1997

Acceptance of service of order dated February 7, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 12, 1997.

February 19, 1997

Acceptance of service of order dated February 7, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 17, 1997.

CLOSED