

Docket Number: 2065

E-Z PARKS, INC.

Gilbert B. Abramson, Esquire,

VS.

COMMONWEALTH OF PENNSYLVANIA

***THOMAS D. LARSON, Secretary of Transportation, COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION**

Kenneth L. Sable, Chief Claims Attorney

September 12, 1985

On Order, Now, it is hereby ordered as follows: 1. The preliminary objections of the Department and Authority to county one are sustained. 2. The preliminary objections of the Authority to counts two and three are sustained. 3. The preliminary objections of the Department to counts two and three are sustained and the matter is transferred to the Board of Claims for further disposition. 4. The preliminary objections of the Authority to county four are overruled and the matter is transferred to the Court of Common Pleas of Philadelphia County for further disposition. The Department of Transportation's motion to strike new matter contained in Petitioner's answer to Respondents' preliminary objections is hereby granted, and said matter is dismissed. Exit.

February 3, 1986

In the Supreme Court, On Judgment and Order, it is now here ordered and adjudged by this Court that the Order of the Commonwealth Court, be, and the same is hereby affirmed. (Per Curiam).

THE FOLLOWING FILED IN COMMONWEALTH COURT:

February 19, 1985

Complaint filed.

February 19, 1985

Plaintiff's Motion for Expedited Discovery filed. See Motion filed.

February 19, 1985

Plaintiff's Motion to Preliminary Injunction filed. See Motion filed.

February 19, 1985

Certificate of Service filed.

February 19, 1985

On Order, 1. Upon consideration of plaintiff's motion for expedited discovery, said motion is denied. 2. Upon consideration of

plaintiff's motion for preliminary injunction, hearing thereon is hereby fixed for February 28, 1985 at 10:00 a.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pennsylvania. (PER CURIAM) Order exit.

February 26, 1985

Plaintiff's First Request for Production of Documents Addressed to Defendants and Certificate of Service filed. See First Request filed.

February 27, 1985

Plaintiff's Praecipe to Withdraw motion for preliminary injunction and certificate of service filed. See Praecipe filed.

March 4, 1985

On Order, plaintiff having filed a praecipe to withdraw its motion for preliminary injunction, hearing thereon, previously fixed for February 28, 1985, at 10:00 a.m., is canceled. (PER CURIAM) Order exit.

March 4, 1985

On Praecipe, the appearance of S. David Fineman, Esq. and Linda L. Shafer, Esq. are hereby entered on behalf of Defendant Philadelphia Parking Authority. See Praecipe for Entry of Appearance and Certificate of Service filed.

March 11, 1985

Preliminary Objections of Respondents Larson and Commonwealth of Pennsylvania and Proof of Service filed. See Preliminary Objections filed. Exit.

March 18, 1985

Respondents motion for protective order under Pa. R.C.P. 4012(a) and proof of service filed.

March 18, 1985

Respondents memorandum in support of motion for protective order under Pa. R.C.P. 4012(a) and proof of service filed.

March 18, 1985

Respondents application for advancement of argument and proof of service filed.

March 19, 1985

On Order, upon consideration of respondent's application for advancement of argument, said application is granted. The Chief Clerk is directed to list all preliminary objections for argument on Monday, June 3, 1985, before panel of Judges sitting in Courtroom Number Five, Second Floor, the Old Federal Courthouse, Chestnut Street at Ninth, Philadelphia. Respondents' briefs in support of preliminary objections (fifteen (15) copies) shall be filed and serviced on or before April 22, 1985. Petitioner's briefs in opposition to said preliminary objections (fifteen (15) copies) shall be filed and served on or before May 24, 1985. (Senior Judge Blatt) Order exit.

March 19, 1985

Defendant's Philadelphia Parking Authority, motion for protective order pursuant to Ra. R.C.P. 4012(a) and certificate of service filed. See motion filed.

March 19, 1985

Defendant's, Philadelphia Parking Authority, Memorandum of Law in support of motion for Protective Order and certificate of service filed. See memorandum filed.

March 19, 1985

Defendant's, Philadelphia Parking Authority, application for advancement of argument and certificate of service filed. See application filed.

March 21, 1985

On Order, upon consideration of respondent Philadelphia Parking Authority's application for advancement of argument, said application is deemed moot in light of this Court's order of March 19, 1985. See memorandum filed.

March 27, 1985

Petitioner's Memorandum in opposition to respondent's motions for a protective order and proof of service filed. See memorandum filed.

March 27, 1985

Answer of petitioner's E-Z Parks, Inc. to motion of Larson and the Commonwealth of Pennsylvania for a protective order under Pa. R.C.P. 4012(a) and proof of service filed. See answer filed.

March 29, 1985

On Order, upon consideration of the Commonwealth's motion for protective order and petitioner's answer thereto, said motion is granted, pending this Court's decision on respondent's preliminary objections. Upon consideration of the Philadelphia Parking Authority's motion for protective order and petitioner's answer thereto, said motion is granted, pending this Court's decision on respondent's preliminary objections. (J. Doyle) Order exit.

April 1, 1985

Petitioner's answer and new matter of petitioner E-Z Parks, Inc. to the preliminary objections of respondent Philadelphia Parking Authority and proof of service filed. See answer filed.

April 8, 1985

Respondent Philadelphia Parking Authority's Reply to New Matter of Petitioner E-Z Parks, Inc. Raised in its Answer to Respondent's Preliminary Objections and Proof of Service filed. See Reply filed.

March 25, 1985

The above-captioned case is fixed for argument Monday June 3, 1985.

April 16, 1985

Respondent's Larson and the Commonwealth of Pennsylvania, Department of Transportation's Preliminary Objections to New Matter and Certificate of Service filed. See Objections filed.

April 17, 1985

On Order, upon consideration of respondent Larson's and the Commonwealth's preliminary objections to new matter, the Chief Clerk is directed to list argument on the preliminary objections to new matter with argument on the other preliminary objections, previously

listed for June 3, 1985. Respondent Larson and the Commonwealth shall file and serve their briefs (fifteen (15) copies) in support of the preliminary objections to new matter on or before May 56, 1985. Petitioner shall file and service its briefs (fifteen (15) copies) in opposition to the preliminary objections to new matter on or before May 24, 1985. (J. Palladino) Order Exit. See Order filed.

April 22, 1985

Brief in Support of Defendant, Philadelphia Parking Authority Preliminary Objections to Petitioner's Complaint for Declaratory and Injunctive Relief and Proof of Service filed. (fifteen copies)

April 24, 1985

Brief for Respondents, Larson and Commonwealth and Certificate of Service filed. (15 copies)

May 2, 1985

Supplement to Brief for Respondents Larson and Commonwealth (Pleadings) and Certificate of Service filed. (15 copies)

May 3, 1985

Plaintiff's Reply to Defendant's Preliminary Objections to New Matter and Certificate of Service filed. See Reply filed.

May 24, 1985

Brief for Plaintiff E-Z Parks, Inc. in Opposition to Preliminary Objections of Defendants Larson, PennDot and Philadelphia Parking Authority and Proof of Service filed. (fifteen copies)

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