

Docket Number: FC-1105-96

JEAN ZEPPI

Pasco L. Schiavo, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE

~~Andrew B. Kramer, Chief Counsel~~
~~Michael C. Barrett, Assistant Counsel~~
~~Joanna N. Reynolds, Assistant Counsel~~

September 11, 1996

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$50,000.00

September 23, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT October 23, 1996.

September 30, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 26, 1996.

October 1, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 24, 1996.

October 22, 1996

Preliminary Objections of Defendant Pennsylvania State Police filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Response due from Plaintiff 12/2/96.**

November 21, 1996

Response of Plaintiff, Jean Zeppi, in Opposition to Preliminary Objections of Defendant, Pennsylvania State Police, and Brief in Support thereof to the Plaintiff's Complaint and Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 20, 1997

The Board rendered an Opinion and made the following Order: **AND NOW**, this 20th day of March, 1997, after due consideration of the Pleadings and submissions of the parties, it is hereby **ORDERED** that the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Pennsylvania State Police, in the nature of a demurrer which would foreclose the jurisdiction of the Board of Claims in the instant case is **GRANTED** and the Complaint Jean Zeppi, Plaintiff, is **DISMISSED** for lack of jurisdiction.® Copies forwarded to attorney for Plaintiff and

attorney for Defendant.

March 26, 1997

Acceptance of Service of Opinion and Order dated March 20, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 21, 1997.

April 7, 1997

Acceptance of Service of Opinion and Order dated March 20, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 25, 1997.

April 11, 1997

Petition for Review filed by attorney for Plaintiff.

July 14, 1997

Petition for Review as filed in Commonwealth Court filed. [No. 0931 C.D. 1997]

August 12, 1997

Filed transmitted to Commonwealth Court.

April 3, 1998

File returned from Commonwealth Court.

April 3, 1998

Copy of Opinion and Order received from Commonwealth Court. Order as follows: ~~A~~AND NOW, this 26th day of January, 1998, the order of the Board of Claims, dated March 20, 1997, at No. FC-1105-96, is reversed and this matter is remanded for a hearing on the merits of Jean Zeppi's complaint and claim. Jurisdiction relinquished.@"

October 21, 1998

Letter received from attorney for Defendant requesting a 30-day extension of time to file an answer.

November 30, 1998

Letter received from attorney for Defendant requesting a leave

from the Board.

December 17, 1998

Brief of the Pennsylvania State Police in Support of Preliminary Objections in the Nature of a Failure to State a Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 20, 1999

Brief of Plaintiff, Jean Zeppi, in Opposition to the Remaining Preliminary Objections of the Defendant, Pennsylvania State Police, to the Plaintiff's Complaint and Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 4, 1999

The Board rendered an Opinion and made the following Order: **AND NOW**, this 4th day of June, 1999, after due consideration of the pleadings and submissions of the parties, it is hereby **ORDERED** and **DECREED** that the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Pennsylvania State Police, seeking to foreclose the jurisdiction of the Board of Claims in the instant case are **DISMISSED**. Defendant is **DIRECTED** to file a reply to Plaintiff's Complaint within twenty (20) days from the exit date of this Order.® Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 11, 1999

Acceptance of Service of Opinion and Order dated June 4, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 9, 1999.

July 1, 1999

Letter received from attorney for Defendant requesting an extension of time until July 6, 1999 in which to file Defendant's response to Plaintiff's Claim.

July 6, 1999

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until July 6, 1999 in which to file Defendant's response to Plaintiff's Claim.

July 6, 1999

Letter received from attorney for Defendant requesting an extension of time until July 9, 1999 in which to file Defendant's response to Plaintiff's Claim.

July 7, 1999

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until July 9, 1999 in which to file Defendant's response to Plaintiff's Claim

July 5, 1999

Acceptance of Service of Opinion and Order dated June 4, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 30, 1999.

July 9, 1999

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

July 15, 1999

Letter forwarded to attorney for Plaintiff requesting response to New Matter. **Response due August 16, 1999.**

July 23, 1999

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

August 3, 1999

Letter forwarded to parties directing parties to commence with discovery.

January 14, 2000

Letter forwarded to parties requesting status. Response due from parties **February 14, 2000.**

February 14, 2000

Status letter received from attorney for Defendant advising that the parties have commenced with discovery.

April 3, 2000

Letter forwarded to parties requesting status. Response due

from parties May 3, 2000.

May 25, 2000

Praecipe for Withdrawal of Appearance filed by Joanna N. Reynolds attorney for Defendant.

May 25, 2000

Praecipe for Entry of Appearance filed by Thomas F. Jakubiak entering his appearance as attorney for Defendant.

June 27, 2000

Application for Leave to Amend the Answer of the Defendant, Pennsylvania State Police as well as Amended Answer of the Pennsylvania State Police filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 5, 2000

Notice of Service of Defendant's First Set of Interrogatories Propounded upon the Plaintiff, Jean Zeppi, filed by attorney for Defendant.

July 20, 2000

Notice of Service of Defendant's First Request for Production of Documents and Tangible Things filed by attorney for Defendant.

July 24, 2000

Reply of Plaintiff, Jean Zeppi, to New Matter of Defendant, Commonwealth of Pennsylvania, Pennsylvania State Police.

July 31, 2000

Letter forwarded to parties directing parties to commence with discovery.

August 11, 2000

Status letter received from attorney for Defendant advising that Plaintiff has outstanding discovery requests and upon receipt of same, Defendant will file an updated status report.

August 22, 2000

Response of Plaintiff to Defendant's First Request for

Production of Documents and Tangible Things made to the Plaintiff Pursuant to Pa. R.C.P. 4009 and Board of Claims Rule of Procedure 899.402 filed by attorney for Plaintiff.

September 7, 2000

Notice of Service of Defendant's Second Set of Interrogatories Propounded Upon the Plaintiff filed by attorney for Defendant.

October 25, 2000

Certificate of Service of Plaintiff's Response to Defendant's First Request for Production of Documents and Tangible Things Made Pursuant to Pa. R.C.P. 4009 and Board of Claims Rule of Procedure 899.402 and Answers of Plaintiff, Jean Zeppi, to Defendant's Second Set of Interrogatories Propounded Upon the Plaintiff filed by attorney for Plaintiff.

November 2, 2000

Notice of Service of Defendant's Second Response to Plaintiff's Interrogatories and Request for Production of Documents and Tangible Things filed by attorney for Defendant.

March 22, 2001

Copy of a letter Defendant forwarded to Plaintiff advising of the deposition schedule filed.

April 2, 2001

Notice of Intent to Serve Subpoena for Deposition to Party filed by attorney for Defendant.

April 23, 2001

Status letter received from attorney for Defendant advising that they need to cancel the deposition of Jean Zeppi.

May 21, 2001

Letter received from attorney for Defendant advising that the parties are in discovery.

August 30, 2001

Courtesy letter received from attorney for Defendant outlining discovery schedule to Plaintiff.

December 3, 2001

Letter received from attorney for Plaintiff advising that the parties have completed discovery and advising that this case can be set for hearing within 90 days from the date of this letter.

February 12, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **March 14, 2002**.

February 19, 2002

Letter received from attorney for Defendant advising that the parties have completed discovery and that the Defendant is preparing a Motion for Summary Judgment.

May 15, 2002

Motion for Summary Judgment and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 14, 2002

Answer and Response of Plaintiff to Defendant's Motion for Summary Judgment as well as Brief in Support filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 22, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 22nd day of October, 2002, the Defendant's, Commonwealth of Pennsylvania, Pennsylvania State Police, Motion for Summary Judgment is **GRANTED** and the Complaint of Plaintiff, Jean Zeppi is hereby **DISMISSED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 29, 2002

Praecipe for Withdrawal of Appearance of Joanna N. Reynolds, Assistant Counsel as well as Entry of Appearance of Thomas F. Jakubiak, Assistant Counsel filed on behalf of Defendant.

October 29, 2002

Acceptance of Service of Opinion and Order dated October 22, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 25, 2002.

November 6, 2002

Acceptance of Service of Opinion and Order dated October 22, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 28, 2002.

November 20, 2002

Petition for Review filed by attorney for Plaintiff.

December 3, 2002

Petition for Review filed by Commonwealth Court. [No. 2729 CD 2002]

December 5, 2002

File forwarded to Commonwealth Court. [No. 2729 CD 2002]

December 6, 2002

Copy of Plaintiff's Docketing Statement/Petition for Review as filed in Commonwealth Court.

September 12, 2003

Commonwealth Court rendered an Opinion and Order. Order as follows: ~~A~~AND NOW, this 11th day of September, 2003, the order of the Pennsylvania Board of Claims (Board), dated October 22, 2002, which granted summary judgment to the Pennsylvania State Police, is reversed, and we remand this matter to the Board for further proceedings in accordance with this Opinion. Jurisdiction relinquished.@"

January 14, 2005

File returned from Commonwealth and Supreme Court.

January 14, 2005

Supreme Court rendered the following Order. Order as follows:
"Appeal dismissed as having been improvidently granted."

February 15, 2005

Board rendered a Scheduling Order. Order as follows: **"AND NOW,** this 15th day of February, 2005, it is hereby **ORDERED** and **DECREED** as follows: 1. All depositions and discovery shall be completed by May 20, 2005*; 2. Pre-Trial Statements of both parties shall be filed with the Board and served upon one another no later than May 31, 2005; 3. A Pre-Trial Conference is scheduled for Monday, June 6, 2005, at 10:00 a.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 4. The last day for filing Pre-Trial Motions is June 13, 2005*; and 5. This matter is set for hearing before a Panel beginning on Wednesday, July 27, 2005, and running through Friday, July 29, 2005, as necessary. Said hearing shall be held at 200 North Third

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Street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9:30 a.m. Copy forwarded to Plaintiff and Defendant.

February 28, 2005

Defendant filed Acceptance of Service of Scheduling Order dated February 15, 2005. Receipt of same acknowledged by Defendant February 24, 2005.

March 16, 2005

Plaintiff filed Acceptance of Service of Scheduling Order dated February 15, 2005. Receipt of same acknowledged by Plaintiff March 7, 2005.

March 30, 2005

Defendant filed Notice of Intent to Depose a Party. Copy forwarded to Plaintiff.

May 31, 2005

Defendant filed Pre-Trial Statement. Copy forwarded to Plaintiff.

May 31, 2005

Plaintiff filed Pre-Trial Statement. Copy forwarded to Defendant.

June 1, 2005

Plaintiff filed Amended Pre-Trial Statement. Copy forwarded to Defendant.

June 10, 2005

Defendant filed Renewed Motion for Summary Judgment. Copy forwarded to Plaintiff.

June 13, 2005

Defendant filed Motion for Partial Summary Judgment Relating to Attorney's Fees. Copy forwarded to Plaintiff. [07A071305]

June 13, 2005

Defendant filed Motion for Partial Summary Judgment and to Strike Paragraph 10G of Plaintiff's Complaint. Copy forwarded to Plaintiff. [07A071305]

June 23, 2005

Defendant filed Brief in Support of Defendant's Motion for Partial Summary Judgment Relating to Attorney's Fees. Copy forwarded to Plaintiff.

June 30, 2005

Board rendered an Opinion and Order and made the following Order: "**AND NOW**, this 30th day of June, 2005, it is hereby **ORDERED** and **DECREED** that Count III through V of Defendant's Motion for Summary Judgment are hereby **DENIED**." Copy forwarded to Plaintiff and Defendant.

July 11, 2005

Plaintiff filed Answer and Response to Defendant's Motion for Partial Summary Judgment Relating to Plaintiff's Claim for Attorney's Fees and Costs and Brief in Support. Copy forwarded to Defendant.

July 11, 2005

Plaintiff filed Answer and Response to Defendant's Motion for Partial Summary Judgment Relating to Plaintiff's Claim for Intentional and/or Negligent Infliction of Emotional Distress and Brief in Support. Copy forwarded to Defendant.

July 25, 2005

Board rendered an Opinion and Order and made the following Order: "**AND NOW**, this 22nd day of July 2005, it is hereby **ORDERED** and **DECREED** that Defendant's Motions for Partial Summary Judgment to dismiss Plaintiff's Claims for Intentional or Negligent Infliction of Emotional Distress and for Partial Summary Judgment relating to Attorney's Fees are hereby **DENIED**." Copy forwarded to Plaintiff and Defendant.

July 7, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated June 30, 2005. Receipt of same acknowledged by Plaintiff July 2, 2005.

July 11, 2005

Defendant filed Acceptance of Service of Opinion and Order dated June 30, 2005. Receipt of same acknowledged by Defendant July 6, 2005.

July 27, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged by Plaintiff July 26, 2005.

July 27, 2005

Panel Hearing (Messrs. McLaughlin/Kambic) held at 200 North Third Street, Suite 700, Harrisburg, PA commencing at 10:00 a.m.
CASE COMPLETED.

August 1, 2005

Defendant filed Acceptance of Service of Opinion and Order dated July 25, 2005. Receipt of same acknowledged by Defendant July 26, 2005.

September 14, 2005

Testimony of hearing held July 27, 2005 filed.

September 15, 2005

Board forwarded copy of testimony of hearing held July 27, 2005 to Defendant.

September 26, 2005

Defendant filed Acceptance of Service of Testimony of Hearing held on July 27, 2005. Receipt of same acknowledged September 19, 2005.

October 31, 2005

Plaintiff filed Proposed Findings of Fact, Proposed Conclusions of Law and Brief and letter-type motion to admit into evidence additional billing for attorneys' fees. Copy forwarded to Defendant.

November 23, 2005

Defendant filed letter requesting an extension of time in which to file their Proposed Findings of Fact, Conclusions of Law and Brief until December 5, 2005.

November 28, 2005

Board forwarded letter granting Defendant until December 5, 2005 in which to file their Proposed Findings of Fact, Conclusions of Law and Brief.

December 5, 2005

Defendant filed Proposed Findings of Fact, Conclusions of Law and Support Brief. Copy forwarded to attorney for Plaintiff.

February 13, 2006

Panel Members (McLaughlin/Kambic) filed panel report.

April 15, 2006

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 25th day of April, 2006, it is hereby **ORDERED** that judgment is entered on behalf of the Plaintiff, Jean Zeppi, and against the Defendant, Commonwealth of Pennsylvania, Pennsylvania State Police in the amount of Fifty-Six Thousand One Hundred Forty-Four Dollars and Twenty-Nine Cents (\$56,144.29). This sum consists of: \$17,300, in restitution damages; \$16,843.75 in attorneys fees; and \$2,157.72 in costs for a total amount due of \$36,301.47 plus \$19,842.82 in prejudgment interest on the aggregate amount awarded. In addition, Plaintiff is awarded post-judgment interest on the outstanding judgment at the statutory rate for judgments (6% per annum) beginning on the date of this Order and continuing until

the judgment is paid in full. Except as provided above, each party herein will otherwise bear its remaining costs and attorney fees." Copy forwarded to Plaintiff and Defendant.

May 1, 2006

Attorney General filed Acceptance of Service of Opinion and Order dated April 25, 2006. Receipt of same acknowledged April 27, 2006.

May 2, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated April 25, 2006. Receipt of same acknowledged by Plaintiff May 1, 2006.

May 2, 2006

Defendant filed Acceptance of Service of Opinion and Order dated April 25, 2006. Receipt of same acknowledged by Defendant april 28, 2006.