

Docket Number: 1131

YEAR ROUND POOL COMPANY SERVICE, INC.

~~Lee C. Swartz, Esquire~~

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

~~John W. Carroll, Chief Counsel~~

William b. Calder, Jr., Assistant Counsel

July 28, 1987

Complaint and filing fee filed. Amount of Claim: \$62,280.00+.

July 30, 1987

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

August 5, 1987

Acceptance of Service of Complaint received from Defendant. Receipt of same acknowledged by Defendant August 4, 1987.

August 7, 1987

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General August 5, 1987.

August 28, 1987

Answer, New Matter and Counterclaim to Claim of Bear Round Pool Company Service, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 18, 1987

Reply to New Matter and Answer to Counterclaim of Commonwealth of Pennsylvania, Department of Environmental Resources filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 28, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 28th day of May, 1991, premised upon the information herein set forth, and ascertaining that the counselors for each of the parties are unaware of the Trustee in Bankruptcy's plans as to whether they wish to pursue this Claim or abandon same, the Board herein issues a Rule to Show Cause upon Claimant to advise the Board as to whether Claimant desires to pursue this claim or abandon same, or establish a legal reason as to why this Claim should remain open.

This Rule to Show Cause shall be answered within thirty (30) days of the date of this Order. Upon failure of Claimant to give legal sufficient reason for keeping this matter open, this Rule shall become absolute and the case dismissed with prejudice." Copies forwarded to Plaintiff, attorney for Plaintiff and attorney for Defendant.

June 3, 1991

Acceptance of Service of Opinion and Order dated May 28, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 30, 1991.

June 28, 1991

Letter/Answer to Rule to Show Cause filed by attorney for Plaintiff.

July 2, 1991

Copy of Letter/Answer to Rule to Show Cause forwarded to attorney for Defendant.

July 8, 1991

Acceptance of Service of Letter/Answer to Rule to Show Cause received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 3, 1991.

January 22, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of January, 1992, the Board's Rule to Show Cause of May 28, 1991 is **DISMISSED** as being moot. It is further **ORDERED** and **DECREED** that Plaintiff shall have thirty (30) days from the date of issuance hereof in which to take the next procedural step in bringing this Claim to issue." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 28, 1992

Acceptance of Service of Opinion and Order dated January 22, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 24, 1992.

February 21, 1992

Proposed Order and Petition to Withdraw filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 21, 1992

Copy of Order as filed in the United States Bankruptcy Court for the Middle District of Pennsylvania reads as follows: "**THIS CAUSE** came on for consideration of the Trustee's Motion pursuant to 11 U.S.C. 554 (a) to approve Abandonment of that certain claim of the Debtors verses the Commonwealth of Pennsylvania, Department of Environmental Resources, Docket No 1131, after notice and hearing and it appearing to the Court that such property is burdensome and of inconsequential value to the estate, it is therefore, **ORDERED** and **DECREED**: That the Motion to approve Trustee's abandonment of said property is hereby granted and the Trustee is ordered to disclaim and abandon the property described in the motion."

February 27, 1992

The Board rendered the following Order: "**AND NOW**, this 27th day of February, 1992, upon consideration of the petition to Withdraw, it is hereby **ORDERED** that said petition is **GRANTED**, and Hepford, Sartz & Morgan is permitted to withdraw as counsel for Plaintiff in this action and Plaintiff is granted an additional 100 days in which to obtain substitute counsel and proceed with the matter, if it desires." Copies forwarded to Plaintiff, attorney for Plaintiff and attorney for Defendant.

March 6, 1992

Acceptance of Service of Order dated February 27, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 3, 1992.

March 9, 1992

Acceptance of Service of Order dated February 27, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 2, 1992.

December 30, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 30th day of December, 1992, a Rule is issued on Plaintiff, Year Round Pool Company Service, Inc., to show cause why this Claim should not be dismissed with prejudice for failure to prosecute. This Rule shall become absolute and the case shall be marked closed with prejudice in the event the Board does not receive a response to said Rule within 45 days of the date of this Order." Copy forwarded to Plaintiff and attorney for Defendant.

November 1, 1993

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 1st day of October, 1993, this Order is issued as a result of the failure of Plaintiff, Year Round Pool Company Service, Inc., to prosecute within thirty (30) days from the date of December 30, 1992. It is, therefore, **DIRECTED** that the Rule of December 30, 1992, be made **ABSOLUTE** and the record marked 'closed and settled with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 18, 1994

Hearing scheduled for May 9, 10, 11 and 12, 1995; May 15, 16, 17, 18 and 19, 1995; as well as May 22, 23, 24, 25 and 26, 1995, in Board's Courtroom No. 1, Rm. 707 Transportation and Safety Bldg., Harrisburg, Pa commencing at 10:30 a.m.

CLOSED