Docket Number: 1217

ROY AND MARCIA CUMMINGS

Howard J. Wein, Esquire

COMMONWEALTH OF PENN, LVAN A
COL AND CLAY I NE SUBSIL NCE BOALD AND COMMONWE LTH OF PEN SYLVAN A
DEPARTMENT OF EN IROL UNITAL RECURCES

Gail Phelps, Assistant Counsel

February 8, 1988

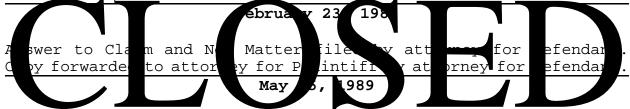
Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$66,397.20+.

February 10, 1988

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

February 18, 1988

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General February 11, 1988.



Praecipe to Discontinue Case filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 2, 1989

The Board rendered an Opinion and made the following Order: "AND NOW, this 2nd day of August, 1989, the Plaintiff's Praecipe to Discontinue is hereby DENIED as the Board of Claims has exclusive jurisdiction over contractual claims against the Commonwealth of Pennsylvania." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 17, 1989

Acceptance of Service of Opinion and Order dated August 2, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 8, 1989.

September 1, 1989

Copy of Petition for Review in the Nature of a Writ of Prohibition as filed in Commonwealth Court filed by attorney for Plaintiff.

September 5, 1989

Petition for Review in the Nature of a Writ of Prohibition received from Commonwealth Court. (No. 260 M.D. 1989)

September 20, 1989

Respondent's Reply and New Matter to Petition for Review in the Nature of a Writ of Prohibition and Praecipe for Entry of Appearance of Franklin L. Bialon filed by Board of Claims in Commonwealth Court. Copy forwarded attorney for Plaintiff, attorney for Defendant and Attorney General by Board of Claims.

October 16, 1989

Praecipe to Discontinue Case filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 18, 1989

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October 19, 1989

Request for Consolidation and Argument Before the Court En Banc filed by Board of Claims in Commonwealth Court. Copy forwarded to attorney for Plaintiff, attorney for Defendant and Attorney General of Pennsylvania.

October 25, 1989

Copy of Order dated October 23, 1989 received from Commonwealth Court. Order as follows: "NOW, October 25, 1989, upon consideration of the Commonwealth of Pennsylvania, Board of Claims' request for consolidation and argument before the Court En Banc, and it appearing (1) that the matter docketed at No. 1654 C.D. 1989 is in this Court's appellate jurisdiction and that the other cases are in this Court's original jurisdiction; and (2) that there are no pending motions to be argued in the matters docketed at Nos. 256, 260, 261, and 262 Misc. Dkt. 1989, said motion for consolidation is denied. The Chief Clerk is directed to list the applications for summary relief in Nos. 1654 C.D. 1989 and 248 Misc. Dkt. 1989 seriately on the February 1990 En Banc Argument List.

November 1, 1989

Acceptance of Service of Order dated October 25, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 26, 1989.

October 24, 1991

Copy of Order dated October 21, 1991 received from Commonwealth Court. Order as follows: "NOW, October 21, 1991, the above action having been dormant for an extended period of time, a Rule to Show Cause why said action should not be dismissed for want of prosecution is hereby issued against the petitioner(s)/plaintiff(s). is returnable within 30 days of the date of this Order. In responding serve a co ify in the ha l etitioner/ ntif ht(s) a ll so cer respondent)/Defend sł on failure f petiti er(s)/p f(s) to respond t said Ru ain. ef Clerk is dì ted o dismiss thin 30 day , the Ch the abo ion as of No. 026 MND. ourse."

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of November, 1991, the Board of Claims transfers all pertinent matters of the file to the Environmental Hearing Board. Jurisdiction relinquished." Copy forwarded to attorney for Plaintiff, attorney for Defendant and the Environmental Hearing Board.

November 14, 1991

File transferred to Environmental Hearing Board.

November 20, 1991

Acceptance of Service of Opinion and Order dated November 13, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 14, 1991.

December 2, 1991

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

December 12, 1991

Copy of Order received from Commonwealth Court. Order as follows: "NOW, December 9, 1991, Petitioner/Appellant having failed to respond to the Rule to Show Cause issued by this Court dated October 21, 1991, the above action is dismissed as of course."

CLOSED