

Docket Number: 1253

CITY OF DAVID CHURCH OF GOD IN CHRIST and
REV. DAVID DRUMMOND

Dennis M. Abrams, Esquire

VS.
CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

~~Mary Rogers, Chief Counsel~~

~~Mary Patricia Fullerton, Assistant Counsel~~

Roger R. Seip, Assistant Counsel

Ernest N. Helling, Assistant Chief Counsel

***April 28, 1988**

Complaint and filing fee filed. Amount of Claim: \$59,193.79+.

May 5, 1988

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

May 10, 1988

Acceptance of Service of Complaint received from Office of Attorney General. Receipt of same acknowledged by Office of Attorney General May 6, 1988.

May 13, 1988

Acceptance of Service of Complaint received from Defendant. Receipt of same acknowledged by Defendant May 10, 1988.

May 17, 1988

Preliminary objections to the Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 27, 1988

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

July 5, 1988

Reply to Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 5, 1988

The board rendered an Opinion and made the following Order: **"AND NOW**, this 5th day of August, 1988, the demurrer of the Defendant in the nature of the lack of jurisdiction of the Board because of the untimely filing of the Complaint is **DENIED**. However, the request of the Defendant that the Complaint set forth a contract and to attach an exhibit or to explain the absence of an exhibit and the request of the Defendant for a more specific pleading is **GRANTED**. Accordingly, the Plaintiff is directed to file an Amended Complaint in accordance with the above Order within thirty (30) days of the date of this Order."

August 8, 1988

Copies of Opinion and Order dated August 5, 1988 forwarded to attorney for Plaintiff and attorney for Defendant.

August 17, 1988

Acceptance of Service of Opinion and Order dated August 5, 1988 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 15, 1988.

September 2, 1988

Acceptance of Service of Opinion and Order dated August 5, 1988 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 11, 1988.

September 1, 1988

Amended Complaint filed by attorney for Plaintiff.

September 15, 1988

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

September 22, 1988

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 20, 1988.

September 28, 1988

Acceptance of Service of Amended Complaint received from Office of attorney General. Receipt of same acknowledged by Office of Attorney General September 19, 1988.

October 6, 1988

Answer to Claimant's Amended Complaint, New Matter and cross Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 10, 1988

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

May 10, 1989

Notice of Service of Interrogatories and Requests for Admission filed by attorney for Plaintiff.

March 4, 1991

Motion to Dismiss for Failure of Claimant's to Prosecute and Proposed order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 22, 1991

The Board rendered an Opinion and made the following Order; **"AND NOW, this 22nd day of March, 1991, a Rule to Show Cause is issued upon the Plaintiff, City of David Church of God in Christ and Rev. David Drummond, why this case should not be dismissed for failure to prosecute. Rule returnable within thirty (30) days of the issuance of this Order. Copies forwarded to attorney for Plaintiff and attorney for Defendant.**

Acceptance of Service of Opinion and Order dated March 22, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 25, 1991.

April 11, 1991

Acceptance of Service of Opinion and Order dated March 22, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 9, 1991.

April 22, 1991

Claimant's Reply to Motion to Dismiss for Failure of Claimants to Prosecute and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 9, 1991

The Board rendered an Opinion and made the following Order; **"AND NOW, this 9th day of May, 1991, after due review and deliberation, it is ORDERED that Respondent's Motion to Dismiss is DENIED and that the within matter shall be set for hearing on the merits of the Complaint, Amended Complaint, Amended Complaint and the Cross-Claim as expeditiously as may be done by the Board of Claims. It is so ORDERED."** Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 21, 1991

Acceptance of Service of Opinion and Order dated May 9, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 20, 1991.

January 29, 1993

Hearing scheduled for February 23, 24, 25 and 26, 1993, if necessary, in Board's Court Room No. 1, 707 Transportation and Safety Building, Harrisburg, PA, commencing at 10:00 a.m.

February 23, 1993

Hearing held this date in Board's Courtroom No. 1, 707 Transportation and Safety Bldg., Harrisburg, Pennsylvania, commencing at 10:00 a.m.

February 24, 1993

Hearing held this date in Board's Courtroom No. 1, 707 Transportation and Safety Bldg., Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case completed.

March 24, 1993

Testimony of hearing held February 23 and 24, 1993, filed.

March 26, 1993

Copies of testimony forwarded to attorney for Defendant.

March 31, 1993

Acceptance of Service of testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 29, 1993.

May 7, 1993

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

July 12, 1993

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

October 29, 1993

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 29th day of October, 1993, the Board finds in favor of the Claimants, City of David Church of God in Christ and Rev. David Drummond, and against the Respondent, Commonwealth of Pennsylvania, Department of Education, in the amount of Forty-Nine Thousand Four Hundred Seventy-One Dollars (\$49,471.00) with interest at the legal rate of six percent(6%) per annum from April 28, 1988, the date the Complaint was filed with the Board of Claims. Upon receipt of said award, Plaintiff shall forthwith file with Board of Claims a Praecipe that the case be marked 'settled, discontinued and ended with prejudice'. Each party to bear its own costs and attorneys' fees."

Copies forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

CLOSED
November 8, 1993

Acceptance of Service of Opinion and Order dated October 29, 1993, received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 1, 1993.

November 8, 1993

Acceptance of Service of Opinion and order dated October 29, 1993, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 1, 1993.

November 12, 1993

Acceptance of Service of Opinion and Order dated October 29, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 8, 1993.

December 1, 1993

Copy of Petition for Review as filed in Commonwealth Court filed by attorneys for Defendant. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

December 13, 1993

Petition for Review received from Commonwealth Court. [No. 2801 C. D.C. 1993].

January 10, 1994

File transmitted to Commonwealth Court.

February 15, 1994

Designation of Contents of Reproduced Record as filed in Commonwealth Court filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 23, 1994

Respondent's Designation of Contents of Reproduced Record as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 16, 1994

Copy of Opinion and Order received from Commonwealth Court. Order as follows: **"NOW**, December 6, 1994, the order of the Board of Claims in the above-captioned matter is hereby **reversed** and this case is remanded for entry of an order **dismissing** the Complaint of the City of David Church of God in Christ. Jurisdiction relinquished."

April 5, 1995

The Court rendered an Opinion and made the following Order: **"AND NOW**, this 5th day of April, 1995, it is **ORDERED** and **DECREED** hat the Complaint of the Plaintiff, city of David Church of God in Christ and Rev. David Drummond, is hereby **DISMISSED** as being untimely filed."

Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

April 12, 1995

Acceptance of Service of Claim Dated April 5, 1995, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 7, 1995.

April 12, 1995

Acceptance of Service of Claim Dated April 5, 1995, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 10, 1995.
