

Docket Number: 1293

POTOMAC SCHEDULING COMPANY

James S. Phillips, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

~~John A. Kane, Chief Counsel~~

James S. Marshall, Assistant Counsel

September 12, 1988

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$511,960.00+.

September 16, 1988

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

September 23, 1988

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

CLOSED

Motion to Approve Terms of Settlement executed by parties filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 26, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of May, 1989, premised on the record, the pleadings filed, and the need for an in-depth determination, it is hereby **ORDERED** and **DIRECTED** that an exploratory hearing be held before the Board of Claims in Court Room No. 1, 707 Transportation & Safety Building, Harrisburg, Pennsylvania, commencing at 11:30 a.m. on Friday, May 26, 1989." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 26, 1989

Exploratory hearing held in Board's Court Room No. 1, commencing at 11:45 a.m. Case settled.

May 26, 1989

Entry of Appearance filed on behalf of James S. Marshall, Assistant Counsel, attorney for Defendant, filed at time of hearing.

May 26, 1989

Acceptance of Service of Opinion and Order dated May 18, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 19, 1989.

June 2, 1989

Testimony of exploratory hearing held Friday, May 26, 1989, filed.

June 5, 1989

Copy of testimony of exploratory hearing held Friday, May 26, 1989 forwarded to attorney for Defendant.

June 12, 1989

Acceptance of Service of Testimony for exploratory hearing held Friday, May 26, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 7, 1989.

June 28, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of June, 1989, premised on the record, the pleadings herein, and the testimony presented, it is hereby **ORDERED** and **DIRECTED** that the Settlement between the parties be and hereby is approved, and that the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare is obligated and directed to pay on Invoices No. 108-1 through 108-20A the sum of Five Hundred Seventy-Four Thousand Four Hundred Six Dollars and Fifty-Five Cents (\$574,406.53) which sum includes interest to and including February 28, 1989 at the rate of eleven percent (11%) per annum as mandated under 72 P.S. §1507, such being merged into the sum awarded in accordance with the Settlement Agreement. It is further **ORDERED** and **DECREED** that interest accruing from February 28, 1989 to the payment date of the sum awarded in accordance with the Settlement Agreement. It is further **ORDERED** and **DECREED** that interest accruing from February 28, 1989 to the payment date of this award shall be determined and negotiated by the parties. Should no agreement be reached as to said interest, Plaintiff may, at its option, exercise any rights set forth in the dispute clause of the Contract. It is also further **ORDERED** and **DECREED** that in exchange for Defendant's payment of Plaintiff's Invoices No. 108-1 through 108-20A, as provided herein, and in accordance with the parties' contract, Plaintiff agrees to release and give up any and all rights which Plaintiff, its present and former officers, employees, agents, parents, subsidiaries, affiliates, and related corporations may have against the Commonwealth of Pennsylvania, Department of Public Welfare and any of their officers, employees, and agencies which include or relate to Invoices No. 108-1 through 108-20A. Upon Plaintiff's receipt of the foregoing payment, Plaintiff will deliver to Defendant, a fully executed Release as provided herein and file with the Board of Claims a Praecipe to settle, withdraw and discontinue the matter with prejudice. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 7, 1989

Acceptance of Service of Opinion and Order dated June 28, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 5, 1989.

November 22, 1989

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of November, 1989, a Rule to Show Cause is issued upon Plaintiff, Potomac Scheduling Company, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of the Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 28, 1989

Acceptance of Service of Opinion and Order dated November 22, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 27, 1989.

November 30, 1989

Letter/Praecipe acknowledging receipt of award filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 30, 1989

Acceptance of Service of Opinion and Order dated November 22, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 29, 1989.

December 14, 1989

The Board made the following Order: "**AND NOW**, this 14th day of December, 1989, upon receipt of Letter/Praecipe acknowledging receipt of award, executed by James S. Phillips, Esquire, on behalf of the Plaintiff, Potomac Scheduling Company, same of which is docketed with this Board under date of November 30, 1989, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, withdrawn and discontinued with prejudice'."

December 15, 1989

Copy of Order dated December 14, 1989 forwarded to attorney for Plaintiff and attorney for Defendant.

December 21, 1989

Acceptance of Service of Order dated December 14, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 19, 1989.

December 21, 1989

Acceptance of Service of Order dated December 14, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 17, 1989.

CLOSED