

Docket Number: 1306

**GET-A-WAY TRAVEL**

~~Victor Druziako, Esquire~~  
Stephen M. Kramer, Esquire

VS.  
**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES

~~John J. Buchy, Chief Of Litigation~~  
Gary F. Ankbrandt, Assistant Counsel

**July 28, 1988**

By Order of Commonwealth Court, case filed, ORDER as follows: "NOW, July 28, 1988, it appearing that the Commonwealth Court does not have jurisdiction over this matter, the above matter is hereby transferred to the Board of Claims. The Chief Clerk shall certify to the Board of Claims a copy of the docket entries of the above matter and shall transmit to him the record thereof."

**THE FOLLOWING FILED IN COMMONWEALTH COURT:**

**July 6, 1988**

Complaint filed.

**July 15, 1988**

Propraecipe the appearance of Victor D. Dziak, Esquire is hereby entered on behalf of Petitioner filed.

**July 28, 1988**

Order rendered by Commonwealth Court. (See previous July 28, 1988 entry).

**BEFORE THE BOARD OF CLAIMS:**

**August 26, 1988**

Record transferred from Commonwealth Court.

**September 2, 1988**

File received from Commonwealth Court. Amount of Claim:

**September 7, 1988**

Letter forwarded to Plaintiff requesting additional copies of Complaint and filing fee.

**October 19, 1988**

Additional copies of Complaint and filing fee received from attorney for Plaintiff.

**October 25, 1988**

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

**November 2, 1988**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 26, 1988.

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**November 4, 1988**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 2, 1988.

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**December 2, 1988**

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

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**January 24, 1989**

Brief of Defendant Department of General Services in support of Preliminary Objections to Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 10, 1989**

Memorandum in Opposition to Preliminary Objections of Defendants filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 20, 1989**

The Board rendered an Opinion and made the following Order: "**AND NOW,** this 20th day of July, 1989, upon consideration of the Preliminary Objections filed on behalf of the Defendant, Commonwealth of Pennsylvania, Department of General Services, it is hereby **ORDERED** that the Preliminary Objections raising a question of lack of subject matter jurisdiction over Count I of the Complaint filed by Plaintiff, Get-A-Way Travel, is hereby dismissed. Defendant's Preliminary Objection, raising a question of this Board's subject matter jurisdiction over Count II of Plaintiff's Complaint is dismissed. Defendant's Preliminary Objection raising a question of this Board's subject matter jurisdiction over Count III of Plaintiff's Complaint is hereby **GRANTED** and Count III of Plaintiff's Complaint is hereby **DISMISSED**. Defendant's Preliminary Objections in the Nature of a Demurrer to the remaining two (2) Counts of Plaintiff's Complaint are hereby **DISMISSED**. Defendant's Preliminary Objection in the form of a Motion to Strike Complaint is granted to the extent that Plaintiff shall be given thirty (30) days from the date of this Order to file

**July 20, 1989 (cont'd)**

an Amended Complaint setting forth, with more particularity, the monetary damages allegedly incurred. Defendant's Preliminary Objection, raising the defense of non-joinder of an indispensable party is hereby **DISMISSED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 27, 1989**

Acceptance of Service of Opinion and Order dated July 20, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 24, 1989.

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**February 6, 1990**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 6th day of February, 1990, a Rule to Show Cause is issued upon Plaintiff Get-A-Way Travel to show forth why they have failed to file said Amended Complaint in violation with the Board's Order of July 20, 1989. If said Amended Complaint is not filed within twenty (20) days of the date of this Order, said Rule shall be made absolute and the case will be dismissed for failure to proceed." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 14, 1990**

Acceptance of Service of Opinion and Order dated February 6, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 12, 1990.

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**February 14, 1990**

First Amended Complaint filed by attorney for Plaintiff. Amount of Claim:

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**March 5, 1990**

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

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**March 9, 1990**

Acceptance of Service of First Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 6, 1990.

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**March 14, 1990**

Acceptance of Service of First Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 8, 1990.

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**March 14, 1990**

Motion to Dismiss filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 4, 1990**

Memorandum of Plaintiff, Get-A-Way Travel, in Opposition to Defendant's Motion to Dismiss Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 17, 1990**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 17th day of October, 1990, the Defendant's Motion to Dismiss is hereby DENIED. The Defendant is given thirty (30) days from the date of this Order to file appropriate pleadings."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 23, 1990**

Acceptance of Service of Opinion and Order dated October 17, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 8, 1990.

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**November 7, 1990**

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

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**April 17, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW, this 17th day of April, 1991, a Rule is issued upon the Plaintiff, Get-A-Way Travel, to Show Cause why this case should not be dismissed with prejudice for failure to respond to the Answer, New Matter and Counterclaim within fifteen (15) days from the date of March 12, 1991. A response to this Rule is due within thirty (30) days from the date of this Order; otherwise, this Rule shall be made absolute and the case be dismissed with prejudice."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 22, 1991**

Acceptance of Service of Opinion and Order dated April 17, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 18, 1991.

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**May 20, 1991**

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

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**November 8, 1991**

Petitioner's Response to Rule to Show Cause filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 8, 1991**

Plaintiff's Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 9, 1991**

Response to Plaintiff's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 21, 1993**

Proposed Order and Defendant's Motion for Judgment on the Pleadings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 14, 1993**

Memorandum in Opposition to Motion for Judgment on the Pleadings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 16, 1993**

Brief in Support of Defendant's Motion for Judgment on the Pleadings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 26, 1993**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of July, 1993, the Motion for Judgment on the pleadings of the Defendant, Commonwealth of Pennsylvania, Department of General Services is hereby **GRANTED**. Compare the case of Crossgates, Inc. v. Commonwealth of Pennsylvania, et al., Board's Docket No. 1519, No. 971 C.D. 1992, argued Dec. 14, 1992, affirmed but not reported May 26, 1993." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 29, 1993**

Acceptance of Service of Opinion and Order dated July 26, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 28, 1993.

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**CLOSED**