

Docket Number: 1346

CHARLES R. RUSH, t/d/b/a PENNSYLVANIA PIPE SALVAGE

John W. McIlvaine, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA GAME COMMISSION

Bill Rouss, Chief Counsel

**November 29, 1989**

By Order of Commonwealth Court, case filed, ORDER as follows: "NOW, November 29, 1988, it appearing that this Court does not have jurisdiction over this matter, the above appeal is hereby sua sponte 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 it the record thereof."

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**THE FOLLOWING FILED IN COMMONWEALTH COURT:**

**November 21, 1988**

On Order, it appearing that this Court does not have jurisdiction over this matter, the above appeal is hereby sua sponte transferred to the Board of Claims. (J. Bunker Order entered November 30, 1988.)

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**BEFORE THE BOARD OF CLAIMS:**

Amended Complaint and filing fee filed. Amount of Claim: \$62,561.00+

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**March 1, 1989**

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

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**March 6, 1989**

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 2, 1989.

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**March 9, 1989**

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 2, 1989.

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**March 22, 1989**

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

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**March 30, 1989**

Second Amended Complaint filed by attorney for Plaintiff. \*Amount of Claim: Same as Original Amended Complaint.

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**April 10, 1989**

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

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**April 24, 1989**

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

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**April 27, 1989**

Acceptance of Service of Second Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 11, 1989.

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**May 22, 1989**

The Board made the following Order: "AND NOW, this 22nd day of May, 1989, over the signature of William Poss, Chief Counsel, Pennsylvania Game Commission, it is acknowledged that the Second Amended Statement of Claim does meet the Preliminary Objections filed to the original Amended Statement of Claim. The Pennsylvania Game Commission filed its Answer and New Matter to the Second Amended Statement of Claim." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 25, 1989**

Acceptance of Service of Order dated May 22, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 23, 1989.

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**May 26, 1989**

Acceptance of Service of Order dated May 22, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 24, 1989.

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**June 15, 1989**

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

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**June 29, 1989**

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

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**July 10, 1989**

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

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**July 14, 1989**

Letter received from attorney for Defendant waiving Motion for a More Specific Pleading in his Preliminary Objections.

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**August 14, 1989**

The Board made the following Order: **"AND NOW**, this 14th day of August, 1989, based upon the letter of William R. Pouss, Chief Counsel, Pennsylvania Game Commission, dated July 12, 1989, the Preliminary Objections of the Pennsylvania Game Commission, having been satisfied by an amended pleading and a direction of waiver, it is hereby ORDERED that the Preliminary Objections of the Pennsylvania Game Commission, in the Nature of a Motion to Strike and a Motion for More Specific Pleading, are hereby **MOVED** and are **WITHDRAWN**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 16, 1989**

Acceptance of Service of Opinion and Order dated August 14, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 15, 1989.

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**August 21, 1989**

Acceptance of Service of Opinion and Order dated August 14, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 17, 1989.

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**May 23, 1991**

Notice of Deposition of Mr. William Conner filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 7, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 7th day of June, 1991, the request of the Defendant, Commonwealth of Pennsylvania, Pennsylvania Game Commission, for a Protective Order as it relates to the taking of deposition of William Conner is hereby **GRANTED**. If both attorneys agree to the deposition of Mr. Conner, the deposition may be taken for discovery purposes only, and if a motion is made later to introduce this testimony, the Board will approach that problem when the problem is presented." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 2, 1991**

Acceptance of Service of Order dated June 1, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 10, 1991.

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**March 24, 1994**

Hearing scheduled for May 10, 11 and 12, 1994 if necessary before the Western District Panel to be held at St. Joseph Center, Room 101, Greensburg, PA commencing at 10:00 a.m.

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**May 10, 1994**

Western District Panel Hearing held this date commencing at 10:04 a.m. Case completed.

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**June 8, 1994**

Testimony of Western District Hearing held May 10, 1994 filed.

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**July 26, 1994**

Copy of testimony of Western District Panel hearing held May 10, 1994 forwarded to attorney for Defendant.

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**August 16, 1994**

Acceptance of Service of testimony of hearing held May 10, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 10, 1994.

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**January 12, 1995**

Brief of Claimant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 21, 1995**

Brief (with Findings of Fact and Conclusions of Law) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 13, 1995**

Western District Panel Report filed.

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**February 27, 1996**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of February, 1996, upon due consideration of the pleadings, testimony, evidence, the Western District Panel Report, and other submissions of the parties in this matter, it is hereby **ORDERED** and **DECREED** that the Claim filed by the Plaintiff, Charles R. Rush, t/d/b/a Pennsylvania Pipe Salvage, against the Defendant, Commonwealth of Pennsylvania, Pennsylvania Game Commission, is **DENIED** in its entirety. Each party to bear its own costs and attorney fees." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

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**March 20, 1996**

Acceptance of service of Final Opinion and Order dated February 27, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 4, 1996.

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**CLOSED**