

Docket Number: 1368

IMPACT MANAGEMENT SYSTEMS, INC.

~~Howard F. Riley, Jr., Esquire~~
Henry J. Costa, Esquire

VS.
CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES
STATE SYSTEM OF HIGHER EDUCATION,
WEST CHESTER UNIVERSITY

~~John J. Buchy, Jr., Chief of Litigation~~
~~Wayne M. Richardson, Chief Counsel~~
~~Elizabeth Anne Whittle, University Legal Counsel~~
~~Andrew S. Gordon, Esquire and Sara M. Bricknell, Esquire~~
~~John B. Consevage, Esquire~~
Matthew C. Browndorf, Esquire
(Buchanan Ingersoll Professional Corp.)

May 8, 1989

Complaint and filing fee filed. Amount of Claim: \$1,336,405.00

May 10, 1989

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

May 16, 1989

Acceptance of Service of Complaint received from attorney for Defendant (State System, West Chester). Receipt of same acknowledged by attorney for Defendant May 12, 1989.

May 18, 1989

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 18, 1989.

June 1, 1989

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

July 20, 1989

Claimant's Reply to New Matter and Answer to Counterclaim with New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

August 8, 1989

Notice of Service of Interrogatories filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 14, 1989

Respondents' Reply to Claimant's New Matter to Respondent's Counterclaim filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendants.

November 17, 1989

Answers to First Set of Interrogatories of Claimant, Impact Management Systems, Inc., to Respondent's Commonwealth of Pennsylvania, Department of General Services and West Chester University filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendants.

December 20, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of December, 1991, the parties are **DIRECTED** to enter into discovery with dispatch, to conclude this discovery within the shortest period of time and to inform the Board within the immediate future that this case is ready to be tried." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

December 31, 1991

Acceptance of Service of Opinion and Order dated December 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 24, 1991.

January 27, 1992

Acceptance of Service of Opinion and Order dated December 20, 1991, received from attorney for Defendant (State System of Higher Education). Receipt of same acknowledged by attorney for Defendant January 20, 1992.

CLOSED

Letter/Entry of Appearance of Elizabeth Anne Whittle, University Legal Counsel, on behalf of Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 10, 1992

Certificate of Service for Letter/Entry of Appearance as filed on January 27, 1992 stating service was made on the Department of General Services filed by attorney for Defendant (State System of Higher Education).

March 2, 1992

Respondent's First Set of Interrogatories filed by attorney for Defendant (State System of Higher Education). Copy forwarded to attorney for Plaintiff by attorney for Defendant (State System).

March 9, 1992

Certificate of Service for Respondent's First Set of Interrogatories as filed on March 2, 1992 stating service was made on the attorney for Plaintiff and the attorney for Defendant filed by attorney for Defendant (State System).

March 9, 1992

Entry of Appearance of Elizabeth Anne Whittle, University Legal Counsel, on behalf of both Defendants filed by attorney for Defendant (SSHE). Copy forwarded to attorney for Defendant (DGS) and attorney for Plaintiff by attorney for Defendant (SSHE).

August 4, 1992

Motion for Sanctions filed by Sarah M. Bricknell, Esquire and Andrew S. Gordon, Esquire on behalf of Defendants. Copy forwarded to attorney for Plaintiff by Sarah M. Bricknell, Esquire.

August 10, 1992

Answer to Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to Sarah M. Bricknell, Esquire on behalf of Defendant, by attorney for Plaintiff.

August 12, 1992

Letter/Entry of Appearance of Andrew S. Gordon, Esquire and Sarah M. Bricknell, Esquire on behalf of Defendants filed by attorneys for Defendants.

September 8, 1992

Brief of Respondents in Support of Motion for Sanctions filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendants.

September 23, 1992

Claimant, Impact Management Systems, Inc., Answers to Respondent's First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 15, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 15th day of October, 1992, it is ORDERED and DECREED that the Motion for Sanctions filed by the Defendant, Commonwealth of Pennsylvania, Department of General Services, West Chester University, and the State System of Higher Education, be and is hereby DISMISSED as being MOOT." Copies forwarded to attorney for Plaintiff and attorney for Defendants.

October 19, 1992

Acceptance of Service of Opinion and Order dated October 15, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 16, 1992.

October 29, 1992

Acceptance of Service of Opinion and Order dated October 15, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 23, 1992.

January 29, 1993

Praecipe for Withdrawal of Appearance of Howard Rile, Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 29, 1993

Praecipe for Entry of Appearance of Henry Costa, Jr., Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 10, 1994

Claimant's Second Set of Interrogatories Addressed to Defendants, West Chester University and Department of General Services, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

April 19, 1994

Claimant's Supplemental Answers to Respondents First Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 27, 1994

Respondent's Responses to Claimant's Second Set of Interrogatories filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 9, 1994

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

October 6, 1994

Claimant's Response to Respondents' Second Set of Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 10, 1994

Claimant's Request for Production of Documents (First Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff

January 3, 1995

Respondents' Response to Claimant's Request for Production of Documents (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 13, 1995

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

May 1, 1995

Respondent's responses to Claimant's Request for Production of Documents (Second Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 7, 1995

Hearing scheduled this date for January 15, 16, 17, 18 & 19, 1996; as well as January 22, 23, 24, 25 and 26, 1996, to be held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:30 a.m.

December 20, 1995

Hearing originally scheduled for January 15, 16, 17, 18 & 19, 1996 as well as January 22, 23, 24, 25 and 26, 1996 canceled. Case to be continued at a later date.

May 6, 1996

Respondent's Supplemental Interrogatories and Request for Production of Documents Directed to Claimant, Impact Management Systems, Inc., AS WELL AS Claimant's Answers to Respondent's Supplemental Interrogatories and Request for Production of Documents Directed to Claimant, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 16, 1996

Claimant's Motion for Summary Judgement and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 17, 1996

Brief in Support of Claimant's Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. **DEF'S RESPONSE & BRIEF DUE 7/8/96.**

June 28, 1996

Letter rec'd from attorney for Defendant requesting an extension of time until July 12, 1996 in which to file Defendant's Response & Brief to Plaintiff's Motion for Summary Judgment. Plaintiff had no objection to said extension.

July 1, 1996

Letter forwarded to attorney for Defendant with copy to attorney for Plaintiff granting request of June 28, 1996 for an extension of time. **DEFENDANT'S RESPONSE & BRIEF TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT NO DUE ON OR BEFORE JULY 12, 1996.**

July 2, 1996

Defendant's Opposition and Answer to Plaintiff's Motion for Summary Judgment; Defendant's Brief in Opposition to Plaintiff's Motion for Summary Judgment; Defendant's Compilation of Exhibits in Opposition to Plaintiff's Motion for Summary Judgment and; Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 6, 1996

Claimant's Reply Brief in Support of Claimant's Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 8, 1996

Letter received from attorney for Defendant requesting until August 19, 1996, in which to file a Sur Reply Brief. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 15, 1996

Respondent's Sur-Reply Brief in Opposition to Claimant's Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 16, 1996

Respondent's Cross-Motion for Summary Judgment and/or in the Alternative Cross-Motion for Partial Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 16, 1996

Claimant's Opposition and Answer to Respondents' Cross-Motion for Summary Judgment and/or, Alternatively, Cross-Motion for Partial Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 30, 1997

CLOSED

The Board rendered an Opinion and made the following Order: "AND NOW, this 30th day of July, 1997, upon consideration of plaintiff's Motion for Summary Judgment and defendant's Cross-Motion for Summary Judgment or Partial Summary Judgment, together with the supporting and opposing briefs and exhibits, it is hereby **ORDERED** that: 1.)

The plaintiff's Motion for Summary Judgment as to Count I of the Complaint is **DENIED**; 2.) The plaintiff's Motion for Summary Judgment as to the claim for misappropriation of trade secrets and/or proprietary materials is **DENIED**; 3.) The plaintiff's Motion for Summary Judgment as to Count II of the Complaint is **GRANTED** as to liability but **DENIED** as to damages; and 4.) The defendants' Cross-Motion for Summary Judgment and/or Partial Summary Judgment is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 6, 1997

Acceptance of Service of Opinion and Order rendered July 30, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 4, 1997.

August 11, 1997

Respondent's Motion for Reconsideration of the Board's Opinion and Order regarding Parties' Cross-Motions for Summary Judgment, Brief in Support thereof, and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 13, 1997

Acceptance of Service of Opinion and Order dated July 30, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 8, 1997.

September 10, 1997

Claimant's Response to Respondent's Motion for Reconsideration of the Board's Opinion and Order regarding parties' Cross Motions for Summary Judgement; Claimant's Brief in Opposition to Respondent's Motion for Reconsideration as well as Proposed Order, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED *September 10, 1997
Board Hearing scheduled for June 8, 10, 11 & 12, 1998; as well as June 15, 17, 18, 19, 1998, (June 22, 23, 24, 25, 26, 1998 - see February 3, 1998 Docket Entry) in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

October 3, 1997

Respondent's Reply Brief in Support of Motion for Reconsideration filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 7, 1997

Letter received from attorney for Plaintiff, via facsimile, requesting the Respondent's Reply Brief in Support of Motion for Reconsideration be stricken as the Board's Rules do not provide for the filing of same. Copy forwarded to attorney for Defendant (via fax) by attorney for Plaintiff.

October 8, 1997

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, advising the parties that they have until **April 8, 1998**, in which to submit their Pre-Trial Statements.

October 28, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 28th day of October, 1997, upon consideration of Defendants' Motion for Reconsideration of the Board's Opinion and Order Regarding Parties' Cross Motions for Summary Judgment and Plaintiff's Response thereto, it is hereby **ORDERED** that Defendant's Motion is **DENIED**. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 30, 1997

Acceptance of Service of Opinion and Order dated October 28, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 29, 1997.

November 5, 1997

Acceptance of Service of Opinion and Order dated October 28, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 31, 1997.

***February 3, 1998**

Letter forwarded to parties changing the hearing dates. The week of June 1-19, 1998 is deleted and the week of June 22-27, 1998 is added.

April 1, 1998

Defendant's Pre-Trial Statement filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 23, 1998

Copy of Claimant's Pre-Hearing Statement filed by attorney for Plaintiff (via facsimile). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 24, 1998

Claimant's Pre-Hearing Statement filed by attorney for Plaintiff (via U.S. Mail). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 28, 1998

Respondent's Motion in Limine to Preclude Testimony of Certain of Claimant's Factual and Expert Witnesses Not Identified During Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 11, 1998

Claimant's Response with New Matter to Respondent's Motion in Limine filed by attorney for Plaintiff (via facsimile). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 14, 1998

Claimant's Response with New Matter to Respondent's Motion in Limine filed by attorney for Plaintiff (via U.S. Mail). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 20, 1998

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of May, 1998, the Motion in Limine to Preclude Testimony of Certain of Claimant's Factual and Expert Witnesses Not Identified During Discovery filed by the Defendant is **GRANTED** in part, and **DENIED** in part. It is hereby **ORDERED** that Ann Bassett, Charles Marsden, Firtuan Siddiqi and William Plumber, Sr. may testify as factual witnesses at the hearing of this matter, but may not offer expert opinions. It is further **ORDERED** that Edward Willis, Martin Klepper and Neal Godick may testify as factual and expert witnesses."

Copies forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

May 26, 1998

Acceptance of service of Opinion and Order dated May 20, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 21, 1998.

June 8, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 9, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 10, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 11, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 12, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 22, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 23, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 24, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 25, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

June 26, 1998

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m. Case complete.
WAITING TESTIMONY

July 1, 1998

Testimony of hearing held June 8 and 9, 1998 filed.

July 10, 1998

Copy of testimony of hearing held June 8 and 9, 1998 forwarded to attorney for Defendant.

July 9, 1998

Testimony of hearing held June 10 and 11, 1998 filed.

July 13, 1998

Testimony of hearing held June 12, 1998 filed.

July 14, 1998

Copy of testimony of hearing held June 10, 11 and 12, 1998 forwarded to attorney for Defendant.

July 20, 1998

Testimony of hearing held June 22, 1998 filed.

July 21, 1998

Copy of tetimony of hearing held June 22, 1998 forwarded to attorney for Defendant.

July 21, 1998

Acceptance of Service of testimony for hearing held June 10, 11 & 12, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 17, 1998.

July 23, 1998

Testimony of hearing held June 23 and 24, 1998 filed.

July 27, 1998

Testimony of hearing held June 25 & 26, 1998 filed.

July 28, 1998

Copy of testimony of hearing held June 23, 24, 25 and 26, 1998 forwarded to attorney for Defendant. *Plt's Findings of Fact, etc. due on or before August 27, 1998*

July 29, 1998

Acceptance of Service of testimony of hearing held June 23, 24, 25 & 26, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 23, 1998.

August 12, 1998

Letter/Request for an Extension of Time until September 28, 1998 in which to file Plaintiff's Findings of Fact, Conclusions of Law and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 14, 1998

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting Plaintiff's request for an extension of time until September 28, 1998 in which to file its Findings of Fact, Conclusions of Law and Brief.

August 26, 1998

Acceptance of Service of testimony of hearing held June 23, 24, 25 & 26, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 31, 1998.

September 29, 1998

Claimant's Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 1, 1998

Letter received from attorney for Defendant requesting an extension of time until November 20, 1998 in which to file its Findings of Fact, Conclusions of Law and Brief.

October 6, 1998

Letter forwarded to attorney for Defendant, with copy to attorney for Plaintiff, granting Defendant's request for an extension of time until November 20, 1998 for Defendant to file its Findings of Fact, Conclusions of Law and Brief.

October 16, 1998

Brief Supplement to Claimant's Argument in Support of Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 20, 1998

Respondent's Proposed Findings of Fact, Conclusions of Law and Respondent's Post-Trial Brief in Support of Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 9, 1998

Letter forwarded to parties giving Plaintiff until December 20, 1998 in which to file a Reply Brief and giving Defendant thirty (30) days thereafter to file a Sur-Reply Brief.

December 21, 1998

Claimant's Reply Brief filed by attorney for Plaintiff, **via facsimile**. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 23, 1998

Claimant's Reply Brief filed by attorney for Plaintiff, **via U.S. Mail**. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 20, 1999

Respondents' Sur Reply Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 26, 1999

Claimant's Proposed Findings of Fact (As Corrected February 22, 1999) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 6, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of October, 1999, an award in the amount of Fifty-Six Thousand (\$56,000) is hereby made in favor of the Claimant, Impact Management Systems, Inc., and against the Respondent, Commonwealth of Pennsylvania, Department of General Services and the State System of Higher Education, West Chester University. Further, it is hereby **ORDERED** that interest at the statutory rate of six percent (6%) per annum shall be paid from the date the Claim was filed, i.e. May 1, 1989. The Commonwealth's Counterclaim is hereby **DISMISSED**. Each party is to bear its own costs and attorneys' fees. Upon receipt of said award by the Claimant, the Claimant shall forthwith file with the Board of Claims a Receipt to mark same as settled and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 13, 1999

Acceptance of Service of Opinion and Order dated October 6, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 8, 1999.

November 2, 1999

Acceptance of Service of Opinion and Order dated October 6, 1999 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 7, 1999.

November 18, 1999

Copy of Respondents' Cross Petition for Review (in the Nature of Appeal) as filed in Commonwealth Court, filed by attorney for Defendants.

November 29, 1999

Courtesy copy of Respondent's Motion to Quash and/or Dismiss Petition for Review, as filed in Commonwealth Court, received from attorney for Defendant.

December 1, 1999

Notice of Filing Petition for Review (filed by Plaintiff) received from Commonwealth Court. (No. 2863 C.D. 1999)

December 3, 1999

Courtesy Copy of Petitioner's Answer with Cross Motion to Respondents' Motion to Quash and/or Dismiss Petition for Review and Application to be Excused from Reproducing Record, as filed in Commonwealth Court, received from attorney for Plaintiff.

December 6, 1999

Notice of Filing Petition for Review (Cross-Petition filed by Defendant) received from Commonwealth Court. (No. 2959 C.D. 1999)

December 6, 1999

Courtesy Copy of Docketing Statement, Petition for Review as filed in Commonwealth Court, received from attorney for Plaintiff.

December 17, 1999

File Transmitted to Commonwealth Court.

December 21, 1999

Courtesy Copy of Defendant's Answer to IMS' Cross-Motion to Quash and/or Dismiss; as well as Defendant's Opposition to IMS' Application to be Excused from Reproducing the Record; as well as Commonwealth's Docketing Statement, as filed in Commonwealth Court by attorney for Defendant.

January 6, 2000

Courtesy Copy of Entry of Appearance (as filed in Cmwltth Ct.) of Buchanan Ingersoll Professional Corporation and Matthew C. Browndorf, Esq., on behalf of Defendants, filed by attorney for Defendant.

January 20, 2000

Courtesy Copy of Respondent's Motion to Bifurcate, as filed in Commonwealth Court, as well as Courtesy Copy of Petitioner's Answer in Opposition to Respondent's Motion to Bifurcate, filed by attorney for Plaintiff.

February 11, 2000

Courtesy Copy of a Petition for Reconsideration /Reargument, as filed in Commonwealth Court, received from attorney for Plaintiff.

February 14, 2000

IMS' Motion for Post Trial Relief Nunc Pro Tunc, as filed in Commonwealth Court, received from attorney for Plaintiff.

February 24, 2000

Courtesy Copy of the Commonwealth's Response to IMS' Petition for Reconsideration/Reargument, as filed in Commonwealth Court, received from Defendant.

March 1, 2000

Courtesy Copy of Petition for Allowance of Appeal, as filed in Supreme Court, by Plaintiff, received from attorney for Plaintiff.

March 10, 2000

Courtesy Copy of Plaintiff's Second Petition for Reconsideration/Reargument, as filed in Commonwealth Court, received from Plaintiff.

March 10, 2000

Commonwealth's Opposition to IMS' Motion for Post-Trial Relief Nunc Pro Tunc with New Matter and Brief in Opposition to IMS' Motion for Post Trial Relief Nunc Pro Tunc, as well as Commonwealth's Alternative Motion for Post-Trial Relief Nunc Pro Tunc and Brief in Support of Alternative Motion for Post Trial Relief, Nunc Pro Tunc filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 13, 2000

Courtesy Copy of Amended Petition for Allowance of Appeal as filed in Supreme Court, filed by attorney for Plaintiff.

March 17, 2000

File returned from Commonwealth Court.

April 11, 2000

Letter received from attorney for Defendant advising that the parties have reached an agreement to settle this case and once the Agreement has been fully executed and fulfilled, appropriate stipulations of discontinuance will be filed.

May 30, 2000

Stipulation advising that this case is settled, ended and discontinued with prejudice, duly executed, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 6, 2000

The Board made the following Order: "**AND NOW**, this 6th day of June, 2000, upon receipt of 'Stipulation', advising that 'this case is settled, ended and discontinued with prejudice', executed by Henry J. Costa, Esquire, on behalf of Plaintiff, Impact Management Systems, Inc., and John B. Consevage, Esquire, on behalf of Defendant, Commonwealth of Pennsylvania, Department of General Services and State System of Higher Education, West Chester University, and docketed with this Board under date of May 30, 2000, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, ended and discontinued with prejudice.'" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 8, 2000

Acceptance of Service of Order dated June 6, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 7, 2000.
