

Docket Number: 1398

PAUL & PETER'S CHECK CASHING

Geoffrey B. Gompers, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY STATE WORKMEN'S INSURANCE FUND
~~CHARLES ROBINSON~~

Sandra S. Christianson, Chief Counsel
William C. McGovern, Esquire
~~Charles Robinson~~

August 8, 1989

By Order of Commonwealth Court, case filed **ORDER** as follows: "NOW, August 8, 1989, it appearing that this court does not have jurisdiction over this matter, the above-captioned matter is hereby sue 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."

THE FOLLOWING FILED IN COMMONWEALTH COURT:

CLOSED

August 2, 1989
Petition filed.
August 2, 1989
Process of Service filed.

August 8, 1989

On Order, it appearing that this matter, the above-captioned 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 is the record thereof. (Senior Judge Lipsitt) August 9, 1989 Order exit.

BEFORE THE BOARD OF CLAIMS:

September 25, 1989

Record transferred from Commonwealth Court.

October 3, 1989

File received from Commonwealth Court. Amount of Claim:
\$3,958.44+.

October 16, 1989

Additional copies of Complaint and filing fee received.

October 17, 1989

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

October 25, 1989

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 23, 1989.

November 1, 1989

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 23, 1989.

November 17, 1989

The Board rendered an Opinion and made the following Order: "AND NOW, this 17th day of November, 1989, the original complaint filed against Charles Robinson is **DISMISSED** and the Court sua sponte will add said Charles Robinson as an Additional Defendant." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 21, 1989

Acceptance of Service of Opinion and Order dated November 17, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 21, 1989.

November 27, 1989

Acceptance of Service of Opinion and Order dated November 17, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 22, 1989.

June 11, 1990

Response of Defendants Pennsylvania Department of Labor & Industry and State Insurance Fund to Petition for Relief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 11, 1990

Hearing scheduled for August 15, 16 and 17, 1990 if necessary before Eastern District Panel, to be held at 707 Transportation and Safety Building, Harrisburg, Pennsylvania Courtroom No. 2 at 10:00 a.m.

August 15, 1990

Eastern Panel Hearing Report filed.

August 23, 1990

Notice to Settle, Discontinue and End filed by attorney for Plaintiff.
Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 6, 1990

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

September 14, 1990

Testimony of hearing held August 15, 1990 filed.

September 17, 1990

Memorandum of Law filed in Commonwealth Court filed by Board of Claims. Copy forwarded to attorney for Plaintiff, attorney for Defendant and Defendant by Board of Claims. (No. 1841 C.D. 1990).

Praecipe for Appearance of Frederick W. Andrews, Esquire filed on behalf of the Board of Claims in Commonwealth Court by Board of Claims. Copy forwarded to attorney for Plaintiff, attorney for Defendant and Defendant by Board of Claims. (No. 1841 C.D. 1990).

September 17, 1990

Application to Intervene and Proposed Order filed in Commonwealth Court by Board of Claims. Copy forwarded to attorney for Plaintiff, attorney for Defendant and Defendant by Board of Claims. (No. 1841 C.D. 1990).

September 17, 1990

Motion to Quash Now Know as a Preliminary Objection in the Nature of a Demurrer as Established by this Court to #280 Misc. Docket 1989 to Paul & Peter's Check Cashing Petition for Review and Proposed Order filed in Commonwealth Court by Board of Claims. Copy forwarded to attorney for Plaintiff, attorney for Defendant and Defendant by Board of Claims. (No. 1841 C.D. 1990)

September 18, 1990

Copy of testimony of hearing held August 15, 1990 inadvertently forwarded to attorney for Plaintiff.

September 21, 1990

Copy of testimony of hearing held August 15, 1990 forwarded to attorney for Defendant.

September 21, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of September, 1990, upon due consideration of the Pa R.A.P. 1701 (a) and the fact that the case is now pending before the Commonwealth Court, the agreement between the Plaintiff and Defendant shall be held in abeyance and the Commonwealth of Pennsylvania is **DIRECTED** not to issue any checks in payment of this so called agreement." Copy forwarded to attorney for Plaintiff, attorney for Defendants and Defendant.

CLOSED

Copy of Praecipe for Appearance of Elaine Lead, Deputy Chief Counsel as Filed in Commonwealth Court filed by Elaine Lead. (No. 1841 C.D. 1990).

September 21, 1990

Copy of Two Proposed Orders and Motion to Dismiss as filed in Commonwealth Court filed by attorney for Defendant. (No. 1841 C.D. 1990)

September 21, 1990

Copy of Proposed Order, Proposed Rule to Show Cause, Petition for Expedited Disposition and Disposition by Telephone Conference, Memorandum of Law in Support of Plaintiff's Petition for Expedited Disposition, Proposed Final Order, Proposed Temporary Order to Stay Activity of Board of Claims, Proposed Rule to Show Cause and Petition for Special and Summary Relief as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff. (No. 1841 C.D. 1990).

September 21, 1990

Proposed Order and Petition filed in Commonwealth Court by Board of Claims. Copy forwarded to all counsel of record. (No. 1841 C.D. 1990).

September 24, 1990

Charles Robinson's Copy of Motion to Quash and Memorandum of Law dated September 17, 1990 returned due to incorrect address.

September 25, 1990

Copy of Order received from Commonwealth Court. Order as follows:

"NOW, September 20, 1990, argument on the application to intervene and motion to quash of the Board of Claims and on the petition for special and summary relief of the petitioner is hereby fixed for September 28, 1990 at 10:00 a.m. Said argument shall be conducted via telephone conference call to the offices of counsel of record, and shall originate from the Chambers of a designated judge of the Commonwealth Court, South Office Building, Harrisburg, Pennsylvania."

September 27, 1990

Copy of Order received from Commonwealth Court. Order as follows: "NOW, September 21, 1990, argument on the Commonwealth's motion to dismiss is hereby fixed for September 28, 1990 at 1:00 p.m. Said argument shall be conducted via telephone conference call to the office of counsel of record, and shall originate from the Chambers of a designated judge of the Commonwealth Court, South Office Building, Harrisburg, Pennsylvania." (No. 1841 C.D. 1990).

September 27, 1990

Copy of Praecipe to Submit Record, Brief in Opposition to Preliminary Objections and Brief in Opposition to Intervention by Board of Claims as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to all counsel of record by attorney for Plaintiff. (No. 1841 C.D. 1990)

September 27, 1990

Acceptance of Service of Opinion and Order dated September 21, 1990 received from attorney for Defendant (Department of Labor & Industry). Receipt of same acknowledged by attorney for Defendant September 25, 1990.

September 28, 1990

Proposed Order and Motion to Recuse and Withdraw Orders filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

September 28, 1990

Argument held via telephone conference in Judge Pace's office in 10:00 a.m.

October 3, 1990

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, October 1, 1990, pursuant to telephone conference argument of motions and consideration of briefs and filed papers, it is hereby **ORDERED** as follows: 1. The Motion of the Board of Claims (Board) to intervene is denied; 2. The Board's motion to quash and/or preliminary objections are accordingly dismissed; 3.

This court, being advised by counsel for Petitioner and counsel for the Pennsylvania Department of Labor & Industry and the State Workmen's Insurance Fund (Department) that there is and remains in effect an agreement of the parties to settle this appeal and the claim before the Board of Claims, and pay the proper costs of the Board -- which shall not include any expenses for reporting and transcribing any proceedings -- hereby remands this case to the Board with the direction that, when the Petitioner and Department shall have complied with 4 Pa. Cons. §§ 12.15, 12.16, the Board shall thereupon mark the records of this case accordingly, as settled and discontinued; 5. The Department's Motion to Dismiss and Petitioner's Petitions for Relief under Pa. R.A.P. 1732 are dismissed as moot." (No. 1841 C.D. 1990)

October 3, 1990

Release filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 3, 1990

Charles Robinson's copy of Application to Intervene and Proposed Order dated September 17, 1990 returned due to incorrect address.

October 12, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of October, 1990, it is **ORDERED** and **DECREED** that the Motion to Recuse and Withdraw Orders be and is hereby **DISMISSED**."

Copy forwarded to attorney for Plaintiff, attorney for Defendants (Department of Labor & Industry, State Workmen's Insurance Fund), and Defendant (Charles Robinson).

October 22, 1990

Charles Robinson's copy of Opinion and Order dated October 12, 1990 returned due to incorrect address.

October 26, 1990

Copy of Motion to Publish as filed in Commonwealth Court filed by attorney for Defendant (Department of Labor & Industry). Copy forwarded to attorney for Plaintiff, attorney for Defendant (State Workmen's Insurance Fund) and Defendant (Charles Robinson) by attorney for Defendant (Department of Labor & Industry).

November 1, 1990

Copy of Order received from Commonwealth Court. Order as follows:
"NOW, October 30, 1990, it is ORDERED that the opinion filed October 1, 1990, shall be designated OPINION rather than MEMORANDUM OPINION, and that it shall be reported." (No. 1841 C.D. 1990)

CLOSED
November 7, 1990
Copy of Order received from Commonwealth Court. Order as follows:
"NOW, November 1, 1990, upon consideration of respondent's motion to publish, and it appearing that on October 30, 1990, this court ordered the opinion in this case to be reported, said motion to publish is dismissed as moot." (No. 1841 C.D. 1990)

May 7, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 7th day of May, 1991, it is hereby **ORDERED** and **DIRECTED** that the instant file be marked closed." Copy forwarded to attorney for Plaintiff and attorneys for Defendants.

May 10, 1991

Acceptance of Service of Opinion and Order dated May 7, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 8, 1991.
