

Docket Number: 1438

TORNETTA FTW

P. Alan Zulick, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES & DEPARTMENT OF PUBLIC WELFARE

~~Michael J. Daley, Chief Counsel~~

~~John A. Kane, Chief Counsel~~

*Jose E. Morales, Assistant Counsel

May 25, 1990

Complaint and filing fee filed. Amount of Claim: \$304,999,25+,

May 31, 1990

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

June 6, 1990

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 1, 1990.

June 13, 1990

Acceptance of Service of Complaint received from attorney for Defendant (Department of General Services). Receipt of same acknowledged by attorney for Defendant June 8, 1990.

June 15, 1990

Acceptance of Service of Complaint received from attorney for Defendant (Department of General Services). Receipt of same acknowledged by attorney for defendant June 8, 1990.

June 29, 1990

Answer to Statement of Claim and New Matter filed by attorney for Defendant (Department of General Services). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 19, 1990

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

July 25, 1990

Plaintiff's Reply to New Matter of Defendants filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

August 3, 1990

Praecipe to Substitute Affidavit filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant (Department of General Services) by attorney for Plaintiff.

August 10, 1990

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 10th day of August, 1990, the affidavit, docketed with this Board under date of August 3, 1990, it is hereby **DIRECTED** to be physically attached to Claimant's Reply to New Matter. Further, it is noted that the parties have agreed to said affidavit and it shall be deemed to have been filed with and made part of said pleading." Copy forwarded to attorney for Plaintiff and attorney for defendant.

August 16, 1990

Acceptance of service of Order dated August 13, 1990 received from attorney for Defendant (John A. Karas, Chief Counsel). Receipt of same acknowledged by attorney for Defendant August 15, 1990.

CLOSED

August 17, 1990

Acceptance of service of Order dated August 13, 1990 received from attorney for Defendant (Michael J. Daley, Chief Counsel). Receipt of same acknowledged by attorney for Defendant August 14, 1990.

August 20, 1990

Acceptance of Service of Order dated August 13, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 15, 1990.

October 1, 1990

Motion for Judgment on the Pleadings and Proposed Order filed by attorney for Defendant (Department of General Services). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

***October 2, 1990**

Entry of Appearance of Jose E. Morales, Assistant Counsel, on behalf of the Department General Services and Department of Public Welfare, filed by attorney for Defendant.

October 11, 1990

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

October 12, 1990

Certificate of Service for Entry of Appearance of Jose Morales filed by attorney for Defendant.

October 25, 1990

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

November 28, 1990

Plaintiff Tormenta FTW's Brief in Opposition to Defendants' Motion for Judgment on the Pleadings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

CLOSED

December 14, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW, this 14th day of December, 1990, the Defendant's Motion for Judgment on the Pleadings is hereby DENIED."** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 19, 1990

Acceptance of Service of Opinion and Order dated December 14, 1990 receive from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 17, 1990.

December 27, 1990

Acceptance of Service of Opinion and Order dated December 14, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 17, 1990.

February 13, 1991

First Notice of Oral Deposition of Bernard Bertolino, Robert Endy, Kenneth Bornman, James Neary and Anthony Goldman as well as Plaintiff's Second Request for Production of Documents Addressed to Defendants filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

April 1, 1991

Second Notice of Oral Depositions of Kenneth Bornman, James Neary, Anthony Goldman, Bernard Bertolino, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 17, 1991

Hearing scheduled for August 13, 14, 15 and 16, as well as August 20, 21, 22 and 23, 1991, if necessary, in Board's Court Room NO. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania at 10:00 a.m.

CLOSED

May 1, 1991

Third Notice of Oral Depositions of Kenneth Bornman, James Neary, Anthony Goldman, Bernard Bertolino, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 24, 1991

Fourth Notice of Oral Depositions of Diana Kimmey, Mark Schaffer and Robert Lebo filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 24, 1991

Fifth Notice of Oral Deposition of James Neary filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 18, 1991

Sixth Notice of Oral Deposition of James Neary filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 12, 1991

Letter received via FAX from attorney for Plaintiff advising that the case has been settled. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 13, 1991

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m. Case settled. Copy of Letter relative to settlement previously received via FAX hand-delivered by attorney for Plaintiff.

August 28, 1991

Testimony of Hearing held August 13, 1991 filed.

August 30, 1991

Copy of Testimony of hearing held August 13, 1991 forwarded to attorney for Defendant.

September 5, 1991

Acceptance of Service of testimony of hearing held August 13, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 8, 1991.

November 13, 1991

Settlement Agreement and Release filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 27, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 27th day of November, 1991, upon due consideration of the pleadings and allegations filed in this matter, it is hereby **ORDERED** and **DECREED** that an award be made in favor of Plaintiff, Tornetta FTW, and against Defendant, Commonwealth of Pennsylvania, Department of General Services, in the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000). It is further **ORDERED** that upon receipt of payment of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe that the case be marked discontinued and ended with prejudice. Each party to bear its own costs." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

December 4, 1991

Acceptance of Service of Opinion and Order dated November 27, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 3, 1991.

December 16, 1991

Acceptance of Service of Opinion and Order dated November 27, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 4, 1991.

January 6, 1992

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

January 15, 1992

The Board made the following Order: "AND NOW, this 13th day of January 1992, pursuant to Praecipe acknowledging receipt of payment of money filed by P. Alan Zulick, Esquire on behalf of the Plaintiff, Terrietta FTW received by this Board on or date of January 6, 1992, it is hereby ORDERED and DIRECTED that this case be marked 'settled', discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

January 22, 1992

Acceptance of Service of Order dated January 15, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 18, 1992.

January 22, 1992

Acceptance of Service of Order dated January 15, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 21, 1992.
