

Docket Number: 1458

E. J. MELONEY, INC.

Roy S. Cohen, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Michael J. Daley, Chief of Litigation~~

Elizabeth A. O'Reilly, Assistant Counsel

July 26, 1990

Complaint and filing fee filed by Plaintiff. Amount of Claim: \$269,237.88+.

July 27, 1990

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

August 6, 1990

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 30, 1990.

August 9, 1990

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 27, 1990.

August 27, 1990

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

September 27, 1990

Department's Brief in Support of Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 17, 1990

Plaintiff, E. J. Meloney, Inc.'s Response to Preliminary Objections filed by Defendant, Commonwealth of Pennsylvania, Department of General Services, Memorandum of Law in Support of Plaintiff's Response to Defendant's Preliminary Objections to Plaintiff's Complaint and Proposed Order filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

October 30, 1990

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 30th day of October, 1990, the request of the Defendant that Paragraph 33 of the Complaint be dismissed is hereby **GRANTED**.

The request of the Defendant to Paragraph 36 of the Complaint be stricken is **DENIED**. The Preliminary Objections as filed by the Defendant in the nature of a MOTION TO STRIDE FOR LACK OF CONFORMITY TO RULES OF LAW and a MOTION FOR A MORE SPECIFIC COMPLAINT are hereby **DENIED**. The Defendant is given thirty (30) days from the date of this Order to file a responsive pleading." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 6, 1990

Acceptance of Service of Opinion and Order dated October 30, 1990 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 31, 1990.

November 13, 1990

Acceptance of Service of Opinion and Order dated October 30, 1990 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 1, 1990.

December 5, 1990

Defendant's Answer to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 10, 1992

Copy of Settlement Memorandum filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 11, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of May, 1992, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of General Services, is indebted unto the Plaintiff E. J. Meloney, Inc., in the full and true sum of One Hundred Fifty-Eight Thousand Three Hundred Eighty-One Dollars and Forty-Seven Cents (\$158,281.47). Upon receipt of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked closed and ended with prejudice. Each party to bear its own costs." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 15, 1992

Acceptance of Service of Opinion and Order dated May 11, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 12, 1992.

February 11, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of February, 1993, a Rule to Show Cause is issued upon Plaintiff, E. J. Meloney, Inc., wherein it is directed that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff advise the has received the sum of money directed by the Board of Claims. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

February 17, 1993

Acceptance of Service of Opinion and Order dated February 11, 1993 received from attorney for defendant. Receipt of same acknowledged by attorney for defendant February 12, 1993.

October 14, 1993

The Board rendered an Opinion and made the following Order; "**AND**

NOW, this 14th day of October, 1993, this Order is issued as a result of the failure of Plaintiff to advise the Board of Claims within thirty (30) days from February 11, 1993 as to whether or not Plaintiff has received the sum of monies awarded in Board's Order dated May 11, 1992. It is, therefore, **DIRECTED** that the Rule is made **ABSOLUTE** and that the record shall be marked 'closed and settled with prejudice'." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

November 12, 1993

Acceptance of Service of Opinion and Order dated October 14, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 15, 1993.