

Docket Number: 1466

FRANK KUNZE, INDIVIDUALLY AND T/A DIAMOND PORTRAITS

Joseph J. Marinaro, Esquire

VS.

CLOSED
CHEYNEY UNIVERSITY OF PENNSYLVANIA AND LEONARD CUMMINGS v. CHEYNEY
UNIVERSITY OF PENNSYLVANIA
*COMMONWEALTH OF PENNSYLVANIA, CHEYNEY UNIVERSITY OF PENNSYLVANIA
AND STATE SYSTEM OF HIGHER EDUCATION

Wayne M. Richardson, Chief Counsel

May 9, 1990

Stipulation and Order filed (Keeler, J., 5/8/90) 236 n/s 5/11/90.
Order as follows: "AND NOW, to wit, this 8th day of may, 1990, the Stipulation of the parties is hereby approved by the Court and this action is hereby transferred to the Board of Claims pursuant to Section 5103 of the Judicial Code, 42 Pa. C.S. Section 5103. It is further **ORDERED** that the entire record shall be transferred to the Board of Claims and the action shall be treated as if originally filed in the Board of Claims on October 30, 1989.

THE FOLLOWING WAS FILED IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY:

CLOSED
October 30, 1989
Complaint filed.
November 9, 1989
Served two Defendants.

November 30, 1989

Preliminary Objections of Defendants Cheyney University of Pennsylvania, LeVerne McCummings, Brief in Support of Preliminary Objections of Cheyney University of Pennsylvania and LeVerne McCummings and Certificate of Service filed by Defendants.

November 30, 1989

Praecipe for appearance re: Wayne M. Richardson, attorney for Defendants, filed.

December 6, 1990

Plaintiff's Answer to Preliminary Objections of Defendants and Memorandum of Law in Support of Answer to Defendant's Preliminary Objections filed.

February 20, 1990

Order filed (Keeler, J., 2/16/90) 235 n/s 2/21/90.

February 26, 1990

Defendant's Petition for Reconsideration of Preliminary Objections filed.

March 5, 1990

Order filed (Keeler, J. 3/5/90) 236 n/s 3/7/90.

March 7, 1990

Answer to Defendant's Petition for Reconsideration of Preliminary Objections and Memorandum of Law in Support of Answer to Defendant's Petition for Reconsideration of Preliminary Objections filed.

March 9, 1990

Motion to Amend Interlocutory Order, Proposed Order and Brief in Support of Motion to Amend Interlocutory Order filed.

March 13, 1990

Answer and New Matter of Cheyney University of Pennsylvania and
Iverne McCummings filed.

April 3, 1990

Reply to New Matter filed.

BEFORE THE BOARD OF CLAIMS:

September 12, 1990

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$141,500.00+.

September 19, 1990

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

September 27, 1990

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 24, 1990.

October 16, 1990

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 1, 1990.

October 24, 1990

Answer and New Matter of Cheyney University of Pennsylvania and LeVerne McCummings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

***November 15, 1990**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of November, 1990, it is **ORDERED** and **DIRECTED** that Defendant, LeVerne McCummings, be stricken and that the caption shall be as follows: FRANK KUNZE, INDIVIDUALLY AND T/A DIAMOND PORTRAITS VS. COMMONWEALTH OF PENNSYLVANIA, CHEYNEY UNIVERSITY OF PENNSYLVANIA AND STATE SYSTEM OF HIGHER EDUCATION DOCKET NO. 1466." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 12, 1992

Motion for Sanctions Pursuant to Pa. R.C.P. 4019 for Failure to Comply with Rules of Discovery filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 12, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of March, 1992, even though Briefs have been requested, it is **DIRECTED** that the Plaintiff, through his attorney, answer said Interrogatories and supply the documents requested within thirty (30) days of the date of this Order. It is further **DIRECTED** that if there is a failure of compliance, then, in that event, the Board shall serve its notice and will summarily dismiss the Claim." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 27, 1992

Acceptance of Service of Opinion and Order dated March 12, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 20, 1992.

March 27, 1992

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

April 1, 1992

Petition for Entry of Judgment Non Pros and Brief in Support of Defendant's Petition for Judgment Non Pros filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney

for Defendant.

June 4, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 4th day of June, 1992, it is **ORDERED** and **DIRECTED** that Plaintiff's Claim against the Defendant, be and is hereby, **DISMISSED** with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 10, 1992

Acceptance of Service of Opinion and Order dated June 4, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 8, 1992.

CLOSED