

Docket Number: 1482

JOHN O.VARTAN, TRADING AS INDEPENDENT AMERICAN INVESTMENTS, A  
REGISTERED FICTITIOUS NAME

~~John P. Krill, Jr., Esquire~~  
~~Carleton O. Strauss, Esquire~~  
~~Andrew H. Cline, Esquire~~  
Andrew L. Swope, Esquire  
Thomas W. Scott, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA,  
ACTING THROUGH THE UNIFIED JUDICIAL SYSTEM BY THE AGENCY OF  
THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Howard M. Holmes, Acting Chief Legal Counsel  
Paul H. Titus, Esquire (Co-Counsel)

CLOSED

**November 20, 1990**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$6,500,000.00+.

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**November 26, 1990**

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

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**December 3, 1990**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 28, 1990.

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**December 6, 1990**

First Set of Continuing Interrogatories Directed to Defendant and First Request for Production of Documents Directed to Defendant filed by attorney for Plaintiff (Carleton O. Strouss, Esquire). Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 16, 1991**

Motion to Stay Discovery and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 16, 1991**

Preliminary Objections to Plaintiff's Claim filed on behalf of Administrative Office of Pennsylvania Courts and Brief in Support of Preliminary Objections to Plaintiff's Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 16, 1991**

Motion of Plaintiff to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 16, 1991**

Plaintiff's Response to Motion to Stay Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 30, 1991**

Plaintiff's Brief in Opposition to Defendant's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 1, 1991**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 1st day of February, 1991, a **STAY** of all proceedings and pleadings inclusive of which is discovery is **ISSUED** in the above-entitled matter until the Board of Claims is able to determine the legal questions raised by the Preliminary Objections and the Plaintiff's Response in Opposition thereto, and such other matters as the Board may deem meet. @ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 6, 1991**

Plaintiff's Motion for Reconsideration of Stay of Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 6, 1991**

Plaintiff's Memorandum in Opposition to Defendant's Motion to Stay Discovery and in Support of Plaintiff's Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 11, 1991**

Acceptance of Service of Opinion and Order dated February 1, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 4, 1991.

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**February 19, 1991**

Acceptance of Service of Opinion and Order dated February 1, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 7, 1991.

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**February 19, 1991**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 11, 1991.

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**February 19, 1991**

Brief in Opposition to Plaintiff's Motion for Reconsideration of Stay of Discovery as well as Reply Brief to Plaintiff's Brief in Opposition to Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 20, 1991**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 20th day of February, 1991, it is **ORDERED** and **DECREED** that the Plaintiff's Motion for Reconsideration for Stay of Discovery issued on February 1, 1991 shall be, and is hereby **DISMISSED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 25, 1991**

Acceptance of Service of Opinion and Order dated February 20, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 21, 1991.

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**February 28, 1991**

Acceptance of Service of Opinion and Order dated February 20, 1991 received from attorney for Defendant (Co-Counsel). Receipt of same acknowledged by attorney for Defendant February 22, 1991.

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**July 30, 1991**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 30th day of July, 1991, the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, acting through the Unified Judicial System by the agency of the Administrative Office of Pennsylvania Courts, are hereby **GRANTED**, and the Complaint of the Plaintiff is **DISMISSED**. Further, in light of the most recent decision of Harry D. Miller, III, and A Potty on the Spot, Inc. vs. Commonwealth of Pennsylvania, Department of Environmental Resources, supra, it is the opinion of the Board that the above Order involves a controlling question of law as to which there is substantial ground for difference of opinion, and the Board, sua sponte, certifies this decision to the Commonwealth Court as representing an issue that should be addressed by an Appellate Court in accordance with the Pa. R.C.P. No. 1311. See 42 Pa.

C.S. '702(B).@ Copy forwarded to attorney for Plaintiff and  
attorney for Defendant.

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**August 2, 1991**

Acceptance of Service of Opinion and Order dated July 30, 1991 received from attorney for Plaintiff (Carleton O. Strouss, Esquire). Receipt of same acknowledged by attorney for Plaintiff July 31, 1991.

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**August 2, 1991**

Acceptance of Service of Opinion and Order dated July 30, 1991 received from attorney for Plaintiff (John P. Krill, Jr., Esquire). Receipt of same acknowledged by attorney for Plaintiff July 31, 1991.

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**August 5, 1991**

Acceptance of Service of Opinion and Order dated July 30, 1991 received from attorney for Defendant (Paul H. Titus, Esquire). Receipt of same acknowledged by attorney for Defendant August 1, 1991.

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**August 8, 1991**

Acceptance of Service of Opinion and Order dated July 30, 1991 received from attorney for Plaintiff (Andrew H. Cline, Esquire). Receipt of same acknowledged by attorney for Plaintiff August 5, 1991.

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**August 29, 1991**

Copy of Petition for Review, as filed in Commonwealth Court, received from attorney for Plaintiff. Copy forwarded to attorneys for Defendant by attorney for Plaintiff.

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**September 3, 1991**

Petition for Review received from Commonwealth Court. [No. 1837 C.D. 1991]

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**September 20, 1991**

Application to Authorize Taking of Deposition of Honorable James Crumlish, Jr., as well as memorandum in Support of Application, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 2, 1991**

File transmitted to Commonwealth Court.

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**October 15, 1991**

Response to Opposition to Application to Authorize Taking of Deposition as well as Memorandum in Opposition to Application to Authorize Taking of Deposition filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 22, 1991**

Reply Memorandum of Plaintiff regarding Application to Authorize Taking of Deposition filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 25, 1991**

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 25th day of October, 1991, the request and/or Application to Authorize Taking of Deposition of the Honorable James Crumlish, Jr., as filed by the Plaintiff, is hereby **DENIED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 1, 1991**

Acceptance of Service of Opinion and Order dated October 25, 1991 received from attorney for Plaintiff (Andrew H. Cline, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 30, 1991.

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**November 4, 1991**

Acceptance of Service of Opinion and Order dated October 25, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 28, 1991.

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**November 7, 1991**

Acceptance of Service of Opinion and Order dated October 25, 1991 received from attorney for Plaintiff (Carleton O. Strouss, Esquire). Receipt of same acknowledged by attorney for Plaintiff November 4, 1991.

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**October 6, 1992**

Copy of Opinion and Order received from Commonwealth Court. Order as follows: **AAND NOW**, this 2nd day of October, 1992, the Order of the Board of Claims, dated July 30, 1991, is reversed.

We remand this case to the Board of Claims for adjudication of the remaining Preliminary Objection in the form of a Motion to Strike for Failure to Conform to Rule of Court. We relinquish jurisdiction .@

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**December 22, 1992**

File returned from Commonwealth Court.

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**January 14, 1993**

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 14th day of January, 1993, the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, acting through the Unified Judicial System by the agency of the Administrative Office of Pennsylvania Courts, questioning the jurisdiction of this Board is **OVERRULED**. The caption in this matter will remain as is. The Defendant is given thirty (30) days from the date of this Order to file responsive pleadings.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**January 21, 1993**

Acceptance of Service of Opinion and Order dated January 14, 1993 received from attorney for Plaintiff (Carleton O. Strouss, Esquire). Receipt of same acknowledged by attorney for Plaintiff January 19, 1993.

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**January 27, 1993**

Acceptance of Service of Opinion and Order dated January 14, 1993 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 18, 1993.

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**February 5, 1993**

Courtesy copy of Petition to Recall the Remand filed by Petitioner (Robert J. Cindrich, Esquire) in Commonwealth Court.

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**February 10, 1993**

Courtesy copy of Petition to Recall the Remand filed by attorney for Plaintiff (John P. Krill, Jr., Esquire) in Commonwealth Court.

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**March 1, 1993**

Copy of Order received from Commonwealth Court. Order as follows: **AAND NOW**, this 1st day of March, 1993, upon consideration of the Petition to Recall the Remand and the reply thereto it is **ORDERED** that the remand of the record to the Board of Claims is recalled. The Prothonotary of Commonwealth Court is directed to retain this record for the time required by Pa. R.C.P. 2572.@

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**March 23, 1993**

File transmitted to Commonwealth Court.

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**August 12, 1993**

Petition for Allowance of Appeal received from Commonwealth Court. Denied.

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**August 12, 1993**

File returned from Commonwealth Court.

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**September 9, 1993**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 9th day of September, 1993, the Board's Order of January 14, 1993, is incorporated hereby by reference as if fully set forth herein. The Defendant, Commonwealth of Pennsylvania, acting through the Unified Judicial System by the agency of the Administrative Office of Pennsylvania Courts, is given thirty (30) days from the date of this Order to file responsive pleadings.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 13, 1993**

Acceptance of Service of Opinion and Order dated September 9, 1993 received from attorney for Plaintiff (Carleton O. Strouss, Esquire). Receipt of same acknowledged by attorney for Plaintiff September 10, 1993.

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**September 15, 1993**

Acceptance of Service of Opinion and Order dated September 9, 1993 received from attorney for Plaintiff (Andrew H. Cline, Esquire). Receipt of same acknowledged by attorney for Plaintiff September 13, 1993.

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**September 17, 1993**

Acceptance of Service of Opinion and Order dated September 9, 1993 received from attorney for Defendant (Paul H. Titus, Esquire). Receipt of same acknowledged by attorney for Plaintiff September 13, 1993.

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**September 21, 1993**

Acceptance of Service of Opinion and Order dated September 9, 1993 received from attorney for Plaintiff (John P. Krill, Esquire). Receipt of same acknowledged by attorney for Plaintiff September 16, 1993.

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**September 21, 1993**

Praecipe to Withdraw Appearance of Andrew H. Cline filed by Andrew L. Swope, Esquire. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**\*September 21, 1993**

Entry of Appearance of Andrew L. Swope, Esquire on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 7, 1993**

Motion for Extension of Time filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 21, 1993**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 21st day of October, 1993, it is **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, acting through the Unified Judicial System by the agency of the Administrative Office of Pennsylvania Courts, is **GRANTED** an extension of time in which to file responsive pleadings. It is further **ORDERED** and **DECREED** that the Defendant is directed to file its responsive pleadings on or before November 8, 1993.

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**October 25, 1993**

Acceptance of Service of Opinion and Order dated October 21, 1993 received from attorney for Plaintiff (John P. Krill, Jr., Esquire). Receipt of same acknowledged by attorney for Plaintiff October 22, 1993.

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**October 29, 1993**

Acceptance of Service of Opinion and Order dated October 21, 1993 received from attorney for Defendant (Paul H. Titus, Esquire). Receipt of same acknowledged by attorney for Plaintiff October 27, 1993.

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**November 8, 1993**

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 7, 1993**

Notice of Deposition of James C. Crumlish, III, and Subpoena filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant.

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**December 8, 1993**

Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 3, 1994**

Notice of Deposition of Rosemary C. Crumlish, Executrix of the Estate of James C. Crumlish, Jr., and Subpoena filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant.

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**February 3, 1994**

Notice of Deposition of James C. Crumlish, III, and Subpoena, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 22, 1994**

Motion for Protective Order to Quash and Stay Subpoenas and Depositions of James C. Crumlish, III, Esquire and Rosemary Crumlish and three(3) Proposed Orders filed by attorney for James C. Crumlish, III, Esquire and Rosemary Crumlish. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**March 15, 1994**

Answer to Motion for Protective Order to Quash and Stay Subpoenas and Depositions, and New Matter in the Nature of a Motion for Contempt and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 30, 1994**

Petitioners Mrs. James C. Crumlish, Jr. and James C. Crumlish, III, Esquire=s Brief in Support of Motion for Protective Order and Motion to Quash and Stay Subpoena filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 7, 1994**

Petitioners Mrs. James C. Crumlish, Jr. and James C. Crumlish, III, Esquire=s Answer to New Matter of Plaintiff John O. Vartan.

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**April 18, 1994**

Memorandum Regarding Motion for Protective Order to Quash and Stay Subpoenas and Depositions of James C. Crumlish, III, Esquire and Rosemary C. Crumlish filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 18, 1994**

Brief in Opposition to Motion for Protective Order to Quash and Stay Subpoenas and Depositions, and in Support of Motion for Contempt filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 26, 1994**

Plaintiff=s Motion to Compel Answers to Interrogatories, Responses to Request for Production of Documents and Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 2, 1994**

Plaintiff=s Memorandum of Law Regarding Ownership of Documents Subject to Subpoena filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**May 16, 1994**

Letter/Brief filed by (Frederick P. Santarelli). Copy forwarded to attorney for Plaintiff and attorney for Defendant by Frederick P. Santarelli.

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**August 1, 1994**

Notice of Depositions of Nancy Sobolevitch filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**August 9, 1994**

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 9th day of August, 1994, the Motion for Protective Order and Stay Subpoenas and Depositions of James Crumlish, III, Esquire and Rosemary Crumlish are hereby **GRANTED.**@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 10, 1994**

Acceptance of Service of Opinion and Order dated August 9, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 10, 1994.

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**August 18, 1994**

Acceptance of Service of Opinion and Order dated August 9, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant.

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**August 22, 1994**

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

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**September 13, 1994**

Letter/Response filed by (Frederick P. Santarelli) for Mrs. Rosemary C. Crumlish's and James C. Crumlish, III, Esquire's response to Plaintiff's Motion for Reconsideration. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**September 23, 1994**

Defendant's Memorandum Response in Opposition to Plaintiff's

Motion for Reconsideration filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**September 26, 1994**

Answers to First Set of Continuing Interrogatories Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 12, 1994**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 12th day of October, 1994, Plaintiff's Motion for Reconsideration, presently before the Board is **DENIED.** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 17, 1994**

Acceptance of Service of Opinion and Order dated October 12, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 14, 1994.

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**November 8, 1994**

Plaintiff's Motion to Compel Answers to Interrogatories, Responses to Request for Production of Documents and Motion for Sanctions and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**November 8, 1994**

Plaintiff's Memorandum of Law in Support of Motion to Compel Answers to Interrogatories, Responses to Request for Production of Documents and Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 23, 1994**

Defendant's Memorandum Response to Plaintiff's Motion to Compel Answers to Interrogatories, Responses to Request for Production

of Documents and Motion for Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 30, 1994**

Plaintiff's Memorandum of Law in Reply filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 9, 1995**

Defendant's Sur Reply to Plaintiff's Motion to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 14, 1995**

Notice of Deposition of G. Ronald Darlington filed by Swope. Copy forwarded to Titus from Swope.

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**March 28, 1995**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 28th day of March, 1995, the Defendant, Commonwealth of Pennsylvania, acting through the Unified Judicial System by the Agency of the Administrative Office of Pennsylvania Courts, is **ORDERED** to either provide answers to Interrogatory Nos. 16b and c 17b, c and d, 20c or to file objections thereto. The answers to Interrogatory Nos. 19 and 24 is adequate. The Plaintiff's Request for the Production of Documents as referred to in this Opinion is hereby **DENIED**.@ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 6, 1995**

Acceptance of Service of Opinion and Order dated March 28, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 5, 1995.

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**April 7, 1995**

Acceptance of Service of Opinion and Order dated March 28, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 31, 1995.

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**April 27, 1995**

Notice of Deposition of Chief Justice Robert N.C. Nix, Jr. filed by Swope. Copy forwarded to Titus by Swope.

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**April 28, 1995**

Plaintiff's Answer, Together with New Matter To Defendant's Motion to Quash Subpoena Addressed to the Chief Justice of Pennsylvania and Proposed Order. Copy forwarded to Defendant.

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**May 12, 1995**

Motion to Quash Subpoena Addressed to the Chief Justice of Pennsylvania filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 12, 1995**

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

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**June 8, 1995**

Reply to New Matter relative to Motion to Quash filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 14, 1995**

Plaintiff's Memorandum of Law in Opposition to the Motion to Quash Subpoena addressed to the Chief Justice of Pennsylvania filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 5, 1995**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 5th day of July, 1995, the Defendant's Commonwealth of Pennsylvania, acting through the Unified Judicial System by the agency of the Administrative Office of Pennsylvania Courts, Motion to Quash the subpoena addressed the Chief Justice Nix, is hereby **DENIED.**@ Copy forwarded to attorney for Plaintiff and

attorney for Defendant.

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**July 10, 1995**

Acceptance of Service of Opinion and Order dated July 5, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 6, 1995.

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**July 18, 1995**

Acceptance of Service of Opinion and Order dated July 5, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 10, 1995.

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**August 5, 1995**

Copy of Petition for Review of Governmental Determination in the Nature of Petition for A Writ of Prohibition and/or Mandamus, as filed in Commonwealth Court, received from attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**August 7, 1995**

Petition for Review of Governmental Determination in the Nature of Petition for a Writ Prohibition and/or Mandamus received from Commonwealth Court. [No. 348 M.D. 1995]

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**September 7, 1995**

Courtesy Copy of Preliminary Objections of Respondent, John O. Vartan, to Petition for Review of Governmental Determination, as filed in Commonwealth Court received from attorney for Plaintiff.

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**September 20, 1995**

Notice of Filing filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 20, 1995**

Amended Petition for Review of Governmental Determination in the Nature of Petition for a Writ of Prohibition and/or Mandamus filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant as filed in Commonwealth Court.

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**September 29, 1995**

Courtesy Copy of letter received from Commonwealth Court advising that the existing Preliminary Objections are now moot due to the filing of the Amended Petition for Review.

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**October 3, 1995**

Courtesy Copy of Preliminary Objections of Respondent, John O. Vartan, as filed in Commonwealth Court, to the Amended Petition for Review as filed in Commonwealth Court, received from attorney for Plaintiff.

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**November 7, 1995**

Notice of Deposition of Charles W. Johns received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 28, 1996**

Notice of Deposition of Joseph F. Finkelstein filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**April 16, 1996**

Opinion filed by Commonwealth Court.

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**April 29, 1996**

Application for Reargument filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 8, 1996**

Copy of Plaintiff's Answer to Defendant's Application for Reargument as filed in Commonwealth Court filed by attorney for Plaintiff.

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**June 5, 1996**

Commonwealth Court Order: **AND NOW**, May 13, 1996, having considered petitioner's application for reargument and respondent's answer, the application is denied.

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**June 14, 1996**

Petition for Allowance of Appeal, or, in the Alternative, Petition for Extraordinary relief filed by Supreme Court of Pennsylvania.

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**June 17, 1996**

Supreme Court Order of Pennsylvania Western District.

**July 2, 1996**

Affidavit of John O. Vartan in Support of Application for Recusal filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**July 2, 1996**

Application of Respondent, John O. Vartan for Recusal filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**July 2, 1996**

Brief of Respondent, John O. Vartan in Opposition to Petition for Allowance of Appeal filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**July 22, 1996**

Brief of Petitioner, Administrative Office of the Pennsylvania Courts, in Opposition to Application for Recusal filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**February 24, 1997**

Praecipe for Withdrawal and Entry of Appearance: Withdraw John P. Krill, Jr., Andrew L. Swope and Kirkpatrick & Lockhart LLP as attorneys for Plaintiff. Enter the appearance of Thomas W. Scott and Killian & Gephart as attorneys for Plaintiff.

**February 26, 1997**

Praecipe of Withdrawal of Appearance: Withdraw the appearance of Carleton O. Strouss as attorney for Plaintiff.

**March 21, 1997**

Application for Reargument filed by attorneys for Petitioner. Copy forwarded to Plaintiff.

**March 21, 1997**

Allocatur Notice of Appeal from the Order of the Commonwealth

Court No. 0384 M.D. 95.

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**March 21, 1997**

Answer of Respondent, John O. Vartan to Application for Reargument filed by attorney for Plaintiff. Copy forwarded to Defendant.

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**April 2, 1997**

Designation of Contents of Reproduced Record filed in the Supreme Court. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

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**April 14, 1997**

Supreme Court Order: **AND NOW**, this 12th day of March, 1997, the Petition for Allowance of Appeal is granted.

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**May 2, 1997**

Brief of Appellant, Administrative Office of Pennsylvania Courts and Reproduced Record filed in Supreme Court by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**June 25, 1997**

Reply Brief of Appellant, Administrative Office of Pennsylvania Courts filed in the Supreme Court of Pennsylvania by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 5, 1999**

Opinion Announcing the Judgment of the Court filed by Chief Clerk in Supreme Court of Pennsylvania Western District remanding this matter to the Board of Claims.[No. 0027 W.D. Appeal Docket 1997]

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**July 27, 1999**

Certificate of Remand of Records back to the Board of Claims filed by Commonwealth Court. Copies forwarded to attorney for Plaintiff and Defendant.

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**November 16, 1999**

Letter forwarded to parties requesting a status. Now Due

12/16/99.

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**December 16, 1999**

Letter received from attorney for Plaintiff advising that due to the unique issues raised by the case and the Supreme Court decision, counsel for both parties believe an additional 90 day period is appropriate to determine the future course of events in this litigation.

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**May 22, 2000**

Letter forwarded to parties requesting a status report. Status Due 6/22/00.

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**June 22, 2000**

Letter received from attorney for Plaintiff requesting a 120 day extension of time in which to complete discovery.

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**June 26, 2000**

Letter forwarded to Plaintiff granting their request for a 120 day extension of time until 10/20/00.

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**October 23, 2000**

Letter received from attorney for Plaintiff advising that the parties have agreed to extend the discovery period for an additional thirty days.

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**May 18, 2001**

Letter forwarded to parties requesting a status. DUE 6/18/01.

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**June 18, 2001**

Letter received from attorney for Plaintiff advising that the parties have engaged in discussions concerning the progress of this case, including discovery that needs completed before settlement. The parties request an additional 90 days within which they can conclude the necessary discovery.

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**September 19, 2001**

Certificate of Service of Interrogatories Directed to Plaintiff

and Request for Production of Documents Directed to Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. (Case diared until 6/02)

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**August 14, 2002**

Letter forwarded to parties requesting a status report. **RESPONSE DUE 9/16/02.**

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**September 16, 2002**

Status report filed by attorney for Defendant on Behalf of Both Parties as requested by this Court's Letter Directed to Counsel of August 14, 2002. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**April 4, 2003**

Letter forwarded to parties requesting a status report. **RESPONSE DUE 5/5/03.**

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**May 5, 2003**

Defendant filed faxed Motion to establish Schedule for further proceedings and Proposed Order. Copy forwarded to Plaintiff.

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**May 5, 2003**

Defendant faxed Status Report by Defendant Administrative, Office of Pennsylvania Courts Pursuant to Request of the Chief Administrative Judge of April 4, 2003. Copy forwarded to Plaintiff.

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**May 6, 2003**

Plaintiff filed Status Report, John O. Vartan, et al., pursuant to Request of the Chief Administrative Judge of April 4, 2003. Copy forwarded to attorney for Defendant.

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**May 6, 2003**

Defendant filed U.S. Mail Status Report, Defendant Administrative Office of Pennsylvania Courts Pursuant to Request of the Chief Administrative Judge of April 4, 2003. Copy forwarded to attorney for Plaintiff.

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**May 6, 2003**

Defendant filed Motion to Establish Schedule for Further Proceedings. Copy forwarded to attorney for Plaintiff.

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**May 30, 2003**

Board issued Opinion and Order as follows: **AND NOW**, this 30th day of May, 2003, it is hereby **ORDERED** that a scheduling conference on this matter shall be held at 11:00 a.m. on June 23, 2003. The conference will be held at the offices of the Board of Claims, 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101 and the parties' counsel shall attend. Copy forwarded to Plaintiff and Defendant.

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**June 5, 2003**

Defendant filed Acceptance of Service of Opinion and Order dated May 30, 2003. Receipt of same acknowledged by attorney for Plaintiff June 2, 2003.

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**June 6, 2003**

Plaintiff filed Acceptance of Service of Service of Opinion and Order dated May 30, 2003. Receipt of same acknowledged by attorney for Plaintiff June 3, 2003.

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**June 27, 2003**

Board issued Opinion and Order. Order as follows: **AND NOW**, this 27th day of June, 2003, it is hereby **ORDERED** and **DECREED** that the parties comply with the following schedule. 1. All discovery shall be completed by November 30, 2003; 2. Pre-Trial Statements of both parties shall be filed with the Board and served upon one another no later January 19, 2004; 3. A Pre-Trial Conference shall be held on February 9, 2004 at 11:00 a.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 4. The last day for filing Pre-Trial Motions is February 20, 2004, and 5. This matter is set for hearing before the Board beginning on April 12, 2004 and running through April 16, 2004. Said hearing shall be held at 200 North Third street, Fulton Building, 6th Floor, Harrisburg, PA 17101, commencing at 9:30 a.m. Copies forwarded to Plaintiff and Defendant.

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**July 7, 2003**

Defendant filed Acceptance of Service of Opinion and Order dated June 27, 2003. Receipt of same acknowledged June 30, 2003.

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**July 24, 2003**

Plaintiff filed Acceptance of Service of Opinion and Order dated June 27, 2003. Receipt of same acknowledged July 3, 2003.

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**November 26, 2003**

Plaintiff and Defendant filed Proposed Order of Court and a Joint Motion for Amendment of Scheduling Order.

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**December 4, 2003**

Board issued Opinion and Order. Order as follows: **AND NOW**, this 4th day of December, 2003, **IT IS HEREBY ORDERED** that the Scheduling Order entered in this matter on June 27, 2003, be and hereby is amended to provide that all discovery shall be completed by December 31, 2003. All other provisions of the June 27, 2003 Scheduling Order are hereby reaffirmed and remain in effect. Copy forwarded to Plaintiff and Defendant.

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**December 9, 2003**

Plaintiff filed letter advising that Defendant concurs to schedule a conference call. Copy forwarded to Defendant.

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**December 10, 2003**

Defendant filed Acceptance of Service of Opinion and Order dated December 4, 2003. Receipt of same acknowledged Defendant December 8, 2003.

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**December 19, 2003**

Plaintiff filed Acceptance of Service of Opinion and Order dated December 4, 2003. Receipt of same acknowledged by Plaintiff December 5, 2003.

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**December 22, 2003**

Board issued Opinion and Order: **AND NOW**, this 22nd day of December, 2003, it is **ORDERED** and **DECREED** that the parties comply with the following revised schedule: 1. Discovery shall be completed no later than February 20, 2004. 2. The parties shall file with the Board Pre-Trial Statements no later than February 27, 2004. 3. A Pre-Trial Conference shall be held on March 5, 2004, at 11:00 a.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, Pennsylvania 17101. 4. The last day for filing Pre-Trial Motions shall be March 12, 2004, and all Responses to Pre-Trial Motions shall be filed with the Board no later than March 26, 2004. 5. This matter is set for hearing before the Board beginning on April 12, 2004, and running through April 16, 2004. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, Pennsylvania 17101, commencing at 9:30 a.m. Copy forwarded to Plaintiff and Defendant.

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**January 7, 2004**

Defendant filed Acceptance of Service of Opinion and Order dated December 22, 2003. Receipt of same acknowledged by Defendant January 4, 2004.

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**March 12, 2004**

Board rendered and Opinion and Order. Order as follows: **AND NOW**, this 12th day of March 2004, it is hereby **ORDERED** and **DECREED** as follows: 1, All depositions in discovery shall be completed by May 21, 2004; 2. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than June 28, 2004; 3. The pre-trial conference is scheduled for Thursday, July 8, 2004, at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, Pa 17101; 4. The last day for filing pre-trial motions is July 23, 2004, and 5. This matter is set for hearing before the Board beginning on Monday, September 13, 2004, and running through Friday, September 17, 2004, as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, Pa 17101, commencing at 9:30 a.m. Copy forwarded to all parties of record.

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**March 19, 2004**

Defendant filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged by attorney for Defendant March 17,

2004.

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**March 25, 2004**

Additional Plaintiff filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged by Additional Plaintiff March 23, 2004.

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**July 8, 2004**

Board canceled hearing which was scheduled for September 13-17, 2004, per Plaintiff's telephone request. The parties have settled. A praecipe is forthcoming.

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**November 3, 2004**

Board issued a letter to Plaintiff directing them to file a Praecipe with the Board to discontinue the case.

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**February 24, 2005**

Board issued a letter to Plaintiff directing them to file a Praecipe.

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**March 17, 2005**

Plaintiff filed Praecipe to Discontinue. Copy forwarded to Defendant.

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**March 22, 2005**

Board issued an Order. Order as follows: AND NOW, this 22<sup>nd</sup> day of March, 2005, upon receipt of a Praecipe to Discontinue, executed by Thomas W. Scott, Esquire, on behalf of Plaintiff, John O. Vartan, et al., requesting that ". . . And now this 7<sup>th</sup> day of March, 2005, Plaintiff, John O. Vartan, trading as Independent American Investments, by and through counsel, Thomas W. Scott, Killian & Gephart, LLP, respectfully requests that the docket in this case be marked "Settled and Discontinued, with Prejudice.", docketed with this Board under date of March 17, 2005, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked "settled, discontinued and ended with prejudice". Copy forwarded to all parties of record.

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