

Docket Number: 1500

JOSEPH J. ISAACSON

~~Mr. Joseph J. Isaacsen~~
David J. Juall, Esquire

VS.
CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES AND DEPARTMENT OF CORRECTIONS

~~Michael J. Daley, Chief Counsel~~
~~Theodore G. Otto, III, Chief Counsel~~
~~Charles E. Anderson, Assistant Counsel~~
Frederick C. Smith, Assistant Counsel
Edward M. Flick, Assistant Counsel

February 1, 1991

Claim and filing fee filed by. Amount of Claim: \$13,768.06+.

February 20, 1991

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

February 26, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 21, 1991.

March 1, 1991

Acceptance of Service of Claim received from attorney for Defendant (Department of Corrections). Receipt of same acknowledged by attorney for Defendant February 21, 1991.

March 21, 1991

Department of Corrections' Answer to Complaint filed by attorney for Defendant (Department of Corrections). Copy forwarded to Plaintiff and attorney for Defendant (Department of General Services) by attorney for Defendant.

March 22, 1991

Department of General Services' Answer to Complaint filed by attorney for Defendant (Department of General Services). Copy forwarded to attorney for Plaintiff and attorney for Defendant (Department of Corrections) by attorney for Defendant.

October 30, 1991

Letter Entry of Appearance of David J. Juall, Esquire, on behalf of Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendants by attorney for Plaintiff.

November 15, 1991

Amended Complaint filed by attorney for Plaintiff. Amount of Amended Complaint: \$28,124.31+.

November 22, 1991

Copy of Amended Claim forwarded to attorneys for Defendants and Chief Deputy Attorney General.

November 27, 1991

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 25, 1991.

December 4, 1991

Acceptance of Service of Amended Complaint received from attorney for Defendant (Department of Corrections). Receipt of same acknowledged by attorney for Defendant November 25, 1991.

December 10, 1991

Plaintiff's Interrogatories Addressed to Defendant, Department of General Services and Request for Production of Documents Pursuant to Pa. R.C.P. 1009 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 16, 1991

Acceptance of Service of Amended Complaint received from attorney for Defendant (Department of General Services). Receipt of same acknowledged by attorney for Defendant November 25, 1991.

December 23, 1991

Preliminary Objections of Defendants to Amended Complaint filed by attorneys for Defendants. Copy forwarded to attorney for Plaintiff by attorneys for Defendants.

January 6, 1992

Plaintiff's Response to Defendants' Preliminary Objections and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 27, 1992

Brief in Support of Preliminary Objections of Defendants to Amended Complaint filed by attorneys for Defendants. Copy forwarded to attorney for Plaintiff by attorneys for Defendants.

February 27, 1992

Plaintiff's Brief in Opposition to Defendants' Preliminary Objections to Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendants 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, the Preliminary Objections of the Defendants in the nature of a motion to strike impertinent matter are **DENIED**. The Defendants, Commonwealth of Pennsylvania, Department of General Services and Department of Corrections, are **DIRECTED** to file responsive pleadings within thirty (30) days of the date of this Order." Copy forwarded to attorney for Plaintiff and attorneys for Defendants.

May 18, 1992

Acceptance of Service of Opinion and Order dated May 11, 1992, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 18, 1992.

May 19, 1992

Acceptance of Service of Opinion and Order dated May 11, 1992, received from attorney for Defendant (DGS). Receipt of same acknowledged by attorney for Defendant May 13, 1992.

May 28, 1992

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

June 10, 1992

Department of Corrections' Answer to Amended Complaint and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant (DGS) by attorney for Defendant (DOC).

June 11, 1992

Department of General Services' Answer to Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant (DOC) by attorney for Defendant (DGS).

June 29, 1992

Claimant's Response to Department of Corrections' New Matter filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendants by attorney for Plaintiff.

September 3, 1992

Motion to Compel Discovery as well as Affidavit of Service filed by attorney for Plaintiff. Copies forwarded to attorneys for Defendants by attorney for Plaintiff.

September 14, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of September, 1992, Counselor Frederick C. Smith and Counselor Charles E. Anderson, together or singularly, are **DIRECTED** to respond to the Interrogatories and the Request for Production of Documents, which were served upon them by registered mail on June 26, 1992. Unless a response is filed of record, or a reasonable excuse granted, therein with fifteen (15) days of the next date of this Order, sanctions shall issue as the Board of Claims may direct." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

Acceptance of Service of Opinion and Order dated September 14, 1992 received from attorney for Defendant (DGS). Receipt of same acknowledged by attorney for Defendant (DGS) September 21, 1992.

September 29, 1992

Department's Responses to the Plaintiff's First Set of Interrogatories and a Complete Set of Documents Provided in Response to the Plaintiff's First Request for Production of Documents filed by attorney for Defendant (DOC). Copy forwarded to attorney for Plaintiff and attorney for Defendant (DGS) by attorney for Defendant (DOC).

October 1, 1992

Claimant's Motion for Sanctions with Entry of Default Judgment Against Respondents, Commonwealth of Pennsylvania, Department of General Services and Department of Corrections for Failure to Obey Discovery Order as well as Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorneys for Defendants by attorney for Plaintiff.

October 5, 1992

Acceptance of Service of Opinion and Order dated September 14, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 18, 1992.

October 5, 1992

Department's Responses to the Plaintiff's First Set of Interrogatories and a Complete Set of Documents Provided in Response to the Plaintiff's First Request for Production of Documents filed by attorney for Defendant (DGS). Copy forwarded to attorney for Plaintiff and attorney for Defendant (DOC) by attorney for Defendant (DGS).

December 2, 1992

Hearing scheduled for February 3, 4 and 5, 1993 before eastern Panel to be held in Court Room #2, 707 Transportation & Safety Building, Harrisburg, Pa, commencing at 10:00 a.m.

January 7, 1993

The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of January, 1993, it is **ORDERED** and **DECREED** that the Claimant's Motion for Sanctions with Entry of Default Judgement has been rendered **MOOT** and shall be, and is hereby, **DISMISSED** as being **MOOT**." Copy forwarded to attorney for Plaintiff and attorneys for Defendants.

January 20, 1993

Acceptance of Service of Opinion and Order dated January 7, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 11, 1993.

January 25, 1993

Acceptance of Service of Opinion and Order dated January 7, 1993 received from attorney for Defendant (DOC). Receipt of same acknowledged by attorney for Defendant January 8, 1993.

January 29, 1993

Praecipe for Appearance of Marcellus J. Matthews, Assistant Counsel, on behalf of Defendant (DOC), filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant (DGS) by attorney for Defendant (DOC).

February 1, 1993

Acceptance of Service of Opinion and Order dated January 7, 1993 received from attorney for Defendant (DGS). Receipt of same acknowledged by attorney for Defendant January 29, 1993.

February 3, 1993

Eastern Panel Hearing held in Board's Courtroom No. 2, Room 707

Transportation & Safety Building, Harrisburg, PA, commencing at 10:00 a.m. Case completed.

February 18, 1993

Testimony of hearing held February 3, 1993 filed.

February 25, 1993

Copy of testimony of hearing held February 3, 1993 forwarded to attorneys for Defendants.

March 8, 1993

Acceptance of Service of testimony for hearing held February 3, 1993 received from attorney for Defendant (DGS). Receipt of same acknowledged by attorney for Defendant February 26, 1993.

April 2, 1993

Plaintiff's Findings of Fact, Conclusions of Law and Supporting Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 21, 1991

Defendant's Proposed Findings of Fact, Conclusions of Law and Supporting Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 7, 1991

Eastern District Panel Report filed.

December 29, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 29th day of December, 1993, upon due consideration of the pleadings, the record and other submissions of the parties, it is hereby **ORDERED** and **DECREED** that an award be made in favor of the Plaintiff and against the Defendants, wherein the Defendants, Department of General Services and Department of Corrections shall pay to Plaintiff, Joseph J. Isaacson, the sum of Eleven Thousand Eight Hundred Nineteen Dollars and Twenty-Five Cents (\$11,819.25), which is calculated to be the difference between Seven Dollars (\$7.00) per square foot and For Dollars and Fifty Cents (\$4.50) per square foot for the period beginning May 1, 1990 and ending September 30, 1990, plus One Hundred Eighty Dollars and Twenty-Five Cents (\$180.25) per day, for twelve (12) days of October, 1990, for rental of the premises owned by the Plaintiff and which was occupied by the Defendants in the City of Philadelphia, Pennsylvania until October

12, 1990. It is further **ORDERED** and **DECREED** that Plaintiff's Claim, in all other respects, is **DENIED**. Further, it is **ORDERED** and **DECREED** that Plaintiff's Claim, in all other aspects, is **DENIED**. Further it is **ORDERED** that interest at the statutory rate of six percent (6%) per annum shall be paid from October 12, 1990. 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 their costs and attorneys fees." Copy forwarded to attorney for Plaintiff, attorneys for Defendants and Chief Deputy Attorney General.

January 3, 1994

Acceptance of Service of Opinion and Order dated December 29, 1993 received from attorney for Defendant (Charles E. Anderson Esquire). Receipt of same acknowledged by attorney for Defendant December 31, 1993.

January 10, 1994

Acceptance of Service of Opinion and Order dated December 29, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 3, 1994.

January 14, 1994

Praecipe to Enter Appearance of Edward M. Flick, Esquire, on behalf of Defendant, Department of General Services, as well as Withdrawal of Appearance of Charles E. Anderson, on behalf of Defendant, Department of General Services, filed by attorney for Defendant (DGS). Copy forwarded to attorney for Plaintiff and attorney for Defendant (Department of Corrections) by attorney for Defendant (Department of General Services).

January 14, 1994

Motion to Amend Order and Proposed Order filed by attorney for Defendant (Department of General Services). Copy forwarded to attorney for Plaintiff and attorney for Defendant (Department of Corrections) by attorney for Defendant (DGS).

January 31, 1994

Plaintiff's Response to Defendant's Motion to Amend Order and New Matter and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 2, 1994

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

March 15, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of March, 1994, upon due consideration of Defendant's Motion to Amend Order and Plaintiff's Response to Defendant's Motion, including New Matter, it is hereby **ORDERED** and **DECREED** that Defendant's Motion to Amend Order is **DENIED**. It is further **ORDERED** that Plaintiff's amount of request for payment of counsel fees in the amount of an additional Five Hundred Dollars (\$500.00) is **DENIED**. It is so **ORDERED**." Copy forwarded to attorney for Plaintiff and attorneys for Defendant.

March 15, 1994

Acceptance of Service of Opinion and Order dated December 29, 1993 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 10, 1994.

March 18, 1994

Acceptance of Service of Opinion and Order dated March 15, 1994 received from attorney for Defendant (DGS). Receipt of same acknowledged by attorney for Defendant March 17, 1994.

March 25, 1994

Acceptance of Service of Opinion and Order dated March 15, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 18, 1994.

July 6, 1994

Praecipe (requesting the matter be marked satisfied) filed by attorney for Plaintiff.

July 13, 1994

The Board made the following Order: "**AND NOW**, this 13th day of July, 1994, upon receipt of a Praecipe advising that the matter be marked "satisfied", received by the Board on July 6, 1994, executed by David J. Juall, Esquire, attorney for Plaintiff, Joseph J. Isaacson, it is hereby **ORDERED** and **DECREED** that the above-captioned matter be marked 'closed, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 19, 1994

Acceptance of Service of Order dated July 13, 1994 received from attorney for Defendant (Edward M. Flick, Assistant Counsel).

Receipt of same acknowledged by attorney for Defendant July 14, 1994.

July 20, 1994

Acceptance of Service of Order dated July 13, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 15, 1994.

July 20, 1994

Acceptance of Service of Order dated July 13, 1994 received from attorney for Defendant Marcellus J. Matthews, Assistant Counsel).

Receipt of same acknowledged by attorney for Defendant July 15, 1994.

CLOSED