

Docket Number: 1502

TAMASY BROTHERS, INC.

~~Charles W. Robinson, Esquire~~
~~Jack W. Plowman, Esquire~~
~~David Raves, Esquire~~

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~John J. Buchy, Chief of Litigation~~
~~Elizabeth A. O'Reilly, Assistant Counsel~~
~~Peter M. Good, Assistant Counsel~~

VS.

***COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF EMPLOYER TAX OPERATIONS
Intervenor**

~~Stuart M. Bliwas, Assistant Counsel~~
~~Arthur Selikoff, Assistant Counsel~~

~~FIDELITY AND DEPOSIT COMPANY OF MARYLAND~~
~~Additional Defendant~~**

~~Kirk Thompson, Esquire~~
~~Stephen H. Wyckoff, Esquire~~

February 4, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$125,120.75.

February 13, 1991

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

February 21, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 14, 1991.

February 21, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 15, 1991.

March 18, 1991

Defendant's Answer and Cross Claim and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 18, 1991

Praeipie for Appearance of Stuart M. Bliwas, Assistant Counsel, on behalf of Proposed Intervenor (Department of Labor and Industry) filed by attorney for Department of Labor and Industry.

March 18, 1991

Petition to Intervene filed by attorney for Proposed Intervenor (Department of Labor and Industry). Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Proposed Intervenor.

***April 18, 1991**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of April, 1991, it is **ORDERED** and **DECREED** that the Petition to Intervene for the purpose of setting off any unemployment compensation taxes owed to the Intervenor is **GRANTED**."

All future pleadings in this matter shall utilize the following caption: TAMASY BROTHERS, INC. VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES AND COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF LABOR AND INDUSTRY, BUREAU OF EMPLOYER TAX OPERATIONS,

Intervenor DOCKET NO. 1502." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 25, 1991

Acceptance of Service of Opinion and Order dated April 18, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 22, 1991.

April 30, 1991

Acceptance of Service of Opinion and Order dated April 18, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 19, 1991.

August 26, 1991

Plaintiff Tamasy Brothers, Inc.'s First Request for Production of Documents Directed to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant (Department of General Services) by attorney for Plaintiff.

August 29, 1991

Certificate of Service of Plaintiff Tamasy Brothers, Inc.'s First Request for Production of Documents Directed to Defendant Commonwealth of Pennsylvania, Department of General Services filed by attorney for Plaintiff.

October 23, 1991

Motion for Leave to Join Fidelity and Deposit Company of Maryland as an Additional Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

****November 8, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 8th day of November, 1991, it is **ORDERED** and **DECREED** that the Motion for Leave to Join Fidelity and Deposit Company of Maryland as an additional Defendant is **GRANTED**. It is further **ORDERED** and **DECREED** that the caption of the Complaint shall be amended to read as follows: TAMASY BROTHERS, INC. BEFORE THE BOARD OF CLAIMS VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF GENERAL SERVICES, COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF LABOR AND INDUSTRY, BUREAU OF EMPLOYER TAX OPERATIONS VS. FIDELITY AND DEPOSIT COMPANY OF MARYLAND Additional Defendant DOCKET NO. 1502." Copy forwarded to attorney for Plaintiff, attorney for Defendants and attorney for Additional Defendants.

November 15, 1991

Acceptance of Service of Opinion and Order dated November 8, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 12, 1991.

November 26, 1991

Acceptance of Service of Opinion and Order dated November 8, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 1991.

January 8, 1992

Complaint to Join Fidelity and Deposit Company of Maryland filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendants by attorney for Defendant.

January 15, 1992

Copy of Complaint to Join Fidelity and Deposit Company of Maryland forwarded to attorney for Intervenor and Chief Deputy Attorney General.

January 21, 1992

Entry of Appearance of Steven H. Wyckoff, Esquire filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

January 23, 1992

Acceptance of Service of Complaint to Join Fidelity and Deposit Company of Maryland received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General January 17, 1992.

January 24, 1992

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

February 3, 1992

Entry of Appearance filed by Jack W. Plowman and David Raves, attorneys for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

February 14, 1992

Defendant's Answer to Additional Defendant's New Matter filed by

attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

February 28, 1992

Request for Production of Documents and First Set of Interrogatories to Defendant Commonwealth of Pennsylvania Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

April 23, 1992

Request for Production of Documents Directed to Commonwealth of Pennsylvania, Department of General Services filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

April 29, 1992

Defendant's First Set of Interrogatories to Plaintiff, Tamasy Brothers, Inc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

May 1, 1992

Defendant's Answers to Plaintiff's Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 11, 1992

Notice of Deposition of Department of General Services filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant, attorney for Intervenor and attorney for Additional Defendant by attorney for Plaintiff.

June 22, 1992

Plaintiff's Response to Defendant's First Set of Interrogatories to Plaintiff, Tamasy Brothers, Inc. filed by attorney for Plaintiff. Copy forwarded to attorneys for Intervenor and attorney for Additional Defendant by attorney for Plaintiff.

July 9, 1992

Second Set of Interrogatories to Defendant Commonwealth of Pennsylvania, Department of General Services as well as Second Request for Production filed by attorney for Plaintiff. Copy forwarded to attorney for Intervenor and attorney for Additional

Defendant by attorney for Plaintiff.

August 13, 1992

Defendant, Commonwealth of Pennsylvania, Department of General Services, Response to Plaintiff's Second Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff, attorney for Intervenor and attorney for Additional Defendant.

October 5, 1992

Requests for Admissions Directed to Commonwealth of Pennsylvania Department of General Services filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

October 23, 1992

Response to Request for Admissions filed by attorney for Defendant (Department of General Services). Copy forwarded to attorney for Plaintiffs by attorney for Defendant.

October 26, 1992

Copy of Response to Request for Admissions forwarded to attorney for Additional Defendant.

November 3, 1992

Acceptance of Service of Response to Request for Admissions filed by attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant October 28, 1992.

November 2, 1994

Pre-trial conference set for January 16, 1995 commencing at 11:45 a.m. in the Judge's Chambers located at 1201 Labor & Industry Building, Harrisburg, Pennsylvania 17120.

January 18, 1995

Pre-trial conference set for January 16, 1995 rescheduled due to Martin Luther King Day.

January 18, 1995

Pre-trial conference set for January 31, 1995 commencing at 2:00 p.m. in the Judge's Chambers located at 1201 Labor & Industry Building, Harrisburg, Pennsylvania 17120.

January 23, 1995

Entry of Appearance of Arthur Selikoff, Assistant Counsel on behalf

of Defendant, Labor & Industry. Copy forwarded o all parties of record by attorney for Defendant.

January 26, 1995

Withdrawal of Appearance of Stuart M. Bliwas, Assistant Counsel filed on behalf of Defendant, Department of General Services. Copy forwarded to all parties of record by attorney for Defendant.

January 27, 1995

Pre-trial conference set for January 31, 1995 rescheduled to February 1, 1995 at 10:00 a.m. in the Judge's Chambers located at 1201 Labor & Industry Building, Harrisburg, Pennsylvania 17120.

March 8, 1995

Stipulation of Dismissal filed by attorney for Additional Defendant, Fidelity and Deposit Company of Maryland. Copy forwarded to all parties of record by counsel for Additional Defendant, Fidelity Deposit Company of Maryland.

March 29, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of March, 1995, it is **ORDERED** and **DECREED** that the Additional Defendant, Fidelity and Deposit Company of Maryland, be and is hereby **DISMISSED** as an Additional Defendant, said dismissal being with prejudice." Copy forwarded to attorney for Plaintiff, attorney for Defendant, attorney for Intervenor and attorney for Additional Defendant.

April 4, 1995

Acceptance of Service of Opinion and Order dated March 29, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 31, 1995.

April 7, 1995

Acceptance of Service of Opinion and Order dated March 29, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 5, 1995.

February 2, 1996

Joint Stipulation of Facts executed by attorney for Plaintiff and attorney for Defendant filed by attorney for Defendant.

February 8, 1996

Hearing scheduled before the Western District Hearing Panel on April 23-24, 1996, at St. Joseph's Center, 2900 Seminary Drive, Greensburg,

PA, commencing at 9:30 a.m.

April 9, 1996

Hearing scheduled before the Western District Hearing Panel on April 23-24, 1996, at St. Joseph's Center, 2900 Seminary Drive, Greensburg, PA, commencing at 9:30 a.m. CASE SETTLED.

August 26, 1996

The Board rendered the following Order: "**AND NOW**, this 26th day of August, 1996, upon receipt of a Letter-type Praecipe to Withdraw, Discontinue, and End over the signature of David Raves, Esquire on behalf of Plaintiff, Tamasey Brothers, Inc., which states: 'Please be advised that all payments under the executed Settlement Agreement between the parties has been distributed by the Department of General Services. Therefore, Plaintiff, Tamasey Brothers, Inc. hereby requests the Board of Claims to mark the docket in this matter settled and discontinued as to all parties. This request has been confirmed by telephone conference with all counsel of record.' same of which is docketed with this Board under date of August 7, 1996, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to all parties involved.

September 3, 1996

Acceptance of Service of Order dated August 26, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 28, 1996.

September 3, 1996

Acceptance of Service of Order dated August 26, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 26, 1996.

September 5, 1996

Acceptance of Service of Order dated August 26, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 28, 1996.
