

Docket Number: 1526  
\*(Consolidated with Docket No. 1539)

**SCHOOL DISTRICT OF PHILADELPHIA**

~~Paul M. Fires, Esquire~~  
Andrew P. Bralow, Esquire

VS.

**E-Z PARKS, INC., HARVEY SPEAR, ROBERT SPEAR, LEON SPEAR AND JEANNETTE  
SPEAR**

Gilbert B. Abramson, Esquire  
Joseph A. Meo, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION**

~~Kenneth L. Sable, Chief Claims Attorney~~  
John J. Robinson, Jr., Chief Claims Attorney

**October 18, 1989**

By Order of Court of Common Pleas of Philadelphia County, case filed, **ORDER** as follows: "**AND NOW**, this 18th day of October, 1989, upon consideration of the Preliminary Objections of Additional Defendants, Commonwealth of Pennsylvania, Department of Transportation, and the Defendants/Third Party Plaintiff response thereto, it is hereby **ORDERED** that the within Third Party Complaint is transferred to the Pennsylvania Board of Claims pursuant to 42 Pa. C.S.A Section 5103."

**THE FOLLOWING FILED IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY:**

**April 19, 1989**

Filing attorney - Paul M. Fires - NO fees paid. Amount at issue more than \$303,541.96.

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**April 19, 1989**

Complaint with Notice to Defend, within twenty (20) days after service, in accordance with Rule 1018.1 filed.

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**April 20, 1989**

Served E-z Parks, Inc. and Harvey Spear, Officer. Served Robert Spear, Officer and Leon Spear, Officer. Served Jeannette Spear, Officer.

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**May 12, 1989**

Appearance of Joseph A. Meo, Esquire for Defendant E-Z Parks, Inc., for Defendant Harvey Spear, for Defendant Robert Spear, for Defendant Leon Spear, for Defendant Jeannette Spear. Fee Paid \$19.00.

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**May 12, 1989**

Defendant's Answer to Plaintiff's Complaint with New Matter, filed.

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**June 1, 1989**

Plaintiff's Reply to Defendant's New Matter, filed.

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**June 20, 1989**

Praecipe for Writ to Join an Additional Defendant, Commonwealth of Pennsylvania, Department of Transportation. Fee Paid \$30.00.

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**July 14, 1989**

Served Department of Transportation.

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**July 20, 1989**

Complaint of all Defendant's. Fee Paid \$30.00. Defendant(s) against Additional Defendant(s) Commonwealth of Pennsylvania with Notice to Defendant, within twenty (20) days after service, in accordance with Rule 1018.1, filed.

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**August 8, 1989**

Appearance of Thomas J. Hines, Esquire for Defendant, Commonwealth of Pennsylvania, Department of Transportation. Fee Paid \$19.00.

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**August 8, 1989**

Preliminary Objections of Additional Defendant, Commonwealth of Pennsylvania, Department of Transportation, to Third Party Complaint of Defendants, E-Z Parks, et al., are filed.

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**September 5, 1989**

Defendant's Third Party Plaintiff's Answer to Preliminary Objections of Additional Defendant, Commonwealth of Pennsylvania, Department of Transportation, to Third Party Complaint of Defendants, is filed.

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**October 24, 1989**

It is ordered that the within Third Party Complaint is transferred to Pennsylvania Board of Claims....See Order.....D'Alessandro, J. 10/18/89. Notice under Rule 236.

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**June 20, 1990**

Ordered that the Motion for Judgement on the Pleadings is denied. Dalessandro J. 6/15/90. Notice under Rule 236.

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**December 27, 1990**

Settled via S.D.&E. Praecept by Plaintiff's attorney.

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**January 2, 1991**

Settled.... Goodheart J. 1/2/91

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**January 30, 1991**

Praecipe to transfer from the Philadelphia Court of Common Pleas to the Pennsylvania Board of Claims, Harrisburg, Pennsylvania. \$12.00 Fee Paid.

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**BEFORE THE BOARD OF CLAIMS:**

**October 18, 1989**

Record transferred from Court of Common Pleas of Philadelphia County.

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**February 26, 1991**

File received from Court of Common Pleas of Philadelphia County. Amount of Claim:

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**March 25, 1991**

Letter forwarded to Joseph A. Meo, Esquire, on behalf of E-Z Parks, Inc., requesting additional copies of Third Party Complaint and filing fee.

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**April 11, 1991**

Additional copies of Third Party Complaint and filing fee received from attorney for E-Z Parks, Inc., Harvey Spear, Robert Spear, Leon Spear and Jeannette Spear.

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**April 15, 1991**

Copies of Third Party Complaint forwarded to attorney for School District of Philadelphia and attorney for Department of Transportation.

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**April 16, 1991**

Acceptance of Service of Third-Party Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 15, 1991.

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**April 17, 1991**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 16, 1991.

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**April 23, 1991**

Acceptance of Service of Third-Party Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 16, 1991.

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**July 30, 1991**

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

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**August 16, 1991**

Third Party Plaintiff's Reply to New Matter of Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Additional Defendant by attorney for Defendant.

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**September 4, 1991**

Letter/Entry of Appearance filed by attorney for Defendant on behalf of Plaintiff, Andrew P. Bralow, Esquire. Copies forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

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**September 19, 1991**

Stipulation for Consolidation of Actions filed by attorney for Plaintiff, executed by parties.

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**\*December 19, 1991**

the Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of December, 1991, the Stipulation for Consolidation of Actions as filed by Plaintiff is **GRANTED** and as of this date the two (2) matters as docketed to numbers 1526 and 1539 will advance forward as a consolidated case. All pleadings, depositions, and other discovery will contain the two (2) docket numbers and all discovery will be considered interchangeable between each case. At the time of trial, both cases will be tried simultaneously." Copies forwarded to attorneys for Plaintiffs and attorney for Defendant.

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**December 23, 1991**

Acceptance of Service of Opinion and Order dated December 19, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 20, 1991.

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**January 13, 1992**

Acceptance of Service of Opinion and Order dated December 19, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 8, 1992.

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**November 18, 1993**

Plaintiff's Interrogatories and Request For Production of Documents to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**July 21, 1994**

Answers to Plaintiff's Interrogatories and Request for Production of Documents to Defendant filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**August 30, 1996**

Entry of Appearance of Gilbert B. Abramson as co-counsel on behalf of Plaintiff filed by attorney for Plaintiff.

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**January 9, 1997**

Order to Settle, Discontinue and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**February 10, 1997**

The Board made the following Order: "AND NOW, this 10th day of February, 1997, upon receipt of an Order to Settle, Discontinue and End, requesting that the matter be marked closed, discontinued and ended, executed by Joseph A. Meo, attorney for Plaintiff, same of which is docketed with this Board under date of January 9, 1997, it is **ORDERED** and **DIRECTED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**February 20, 1997**

Acceptance of Service of Order dated February 10, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 13, 1997.

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**February 21, 1997**

Acceptance of Service of Order dated February 10, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 12, 1997.

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