

Docket Number: 1528

WALTER HOLT, JR.

Paul A. Tershel, Esquire

VS.

CLOSED

~~COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE; HENRY O'BARRON, SECRETARY; THOMAS F.
WHITE; ROBERT W. THIEMANN, DIRECTOR, OFFICE OF CLIENT RIGHTS,
DEPARTMENT OF PUBLIC WELFARE; J.C. PETERS AND J.W. MCMULLEN, OFFICE
OF THE BUDGET AND ADMINISTRATION, DEPARTMENT OF PUBLIC WELFARE; AND
WOODVILLE STATE HOSPITAL AND OFFICE OF BUDGET AND ADMINISTRATION,
jointly and severally~~

~~John A. Kane, Chief Counsel
Jason W. Manne, Assistant Counsel
Frank A. Fisher, Chief Counsel
John D. Raup, Chief Counsel~~

January 7, 1991

By Order of Court of Common Pleas of Allegheny County, case filed, ORDER as follows: "Order of 1-4-91, all claims of promissory estoppel and breach of contract arising out of alleged representations by the debts that they would re-instate plffs. employment should criminal charges against him be resolved in his favor be transferred for disposition to the Board of Claims pursuant to Comm. of Pa. (portion of Order omitted from docket entries) Pursuant to Section 1503 of the Judicial Code 42 Pa. - C.S. § 5103 that the record in this case be transmitted to the Board of Claims costs. Summary judgt. as to all remaining claims is granted in favor of the debts. Ross, J. filed.

THE FOLLOWING FILED IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY
October 31, 1989
Complaint in Civil Action Transfer from Washington County
CLOSED
January 30, 1989

Pltfs. Praecipe to be placed on argument list, Motion Judge 2-16-89 Eodie Debts. Preliminary Objections and Brief in Support of Pltfs. Opposition to debts. Preliminary Objections Motions Judged 2-16-89 filed.

February 17, 1989

Order of 2-16-89, overruling debts. prelim. objecs. and debts. are ordered to file a responsive pleading in (30) days from the date of this Order., Wekselman J.

April 6, 1989

Debts. answer and new matter filed.

April 12, 1989

Pltfs. reply to new matter filed.

April 30, 1989

Certificate of Service of Pltfs. first request for admissions filed.

October 17, 1989

Answers to Pltfs. request for admissions filed.

May 31, 1990

Pltfs. pre-trial statement filed.

May 31, 1990

Issue (141926) jury trial demanded filed.

August 14, 1990

Debts. motion summary judgment & brief, Motion filed.

August 30, 1990

Order dated 8-29-80 Debts. Motion for summary judgment be continued to next available argument list, McLean, J. filed

October 22, 1990

Order that argument on debts motion for summary judgment be continued to the next argument list, McFalls, J.

October 23, 1990

Pltfs. brief in opposition to motion for summary judgment filed.

January 7, 1991

Order rendered by Court of Common Pleas of Allegheny County (See previous January 7, 1991 entry).

February 19, 1991

Above captioned case transferred to "Board of Claims Cost" 707 Transportation & Safety Building Harrisburg, PA. 17120.

March 21, 1991

No number available at this time, filing fee not paid. Eodie Registered Receipt #5025-752 filed.

BEFORE THE BOARD OF CLAIMS:

January 7, 1991

Record transferred from Court of Common Pleas of Allegheny County.

****February 25, 1991**

File received from Court of Common Pleas of Allegheny County. Amount of Claim: \$10,000.00+.

March 8, 1991

Letter forwarded to Paul A. Tershel, Esquire, on behalf of Walter Holt, Jr., requesting additional copies of Complaint and filing fee.

April 16, 1991

Additional copies of Complaint and filing fee received from attorney for Walter Holt, Jr.

April 18, 1991

Copies of Complaint forwarded to attorney for Defendants (Department of Public Welfare and Governor's Office, Office of Budget and Administration) and Chief Deputy Attorney General.

April 26, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 19, 1991.

May 7, 1991

Acceptance of Service of Claim received from attorney for Defendant (Thomas B. York, Esquire, representing all Defendant). Receipt of same acknowledged by attorney for Defendant April 19, 1991.

May 14, 1991

Entry of Appearance of Thomas B. York, Chief of Litigation, on behalf of Defendants, filed by attorney for Defendants. Copy forwarded to attorneys for all parties by attorney for Defendants.

May 17, 1991

Preliminary Objections filed by attorney for Defendant (Department of Public Welfare). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 12, 1991

Plaintiff's Response to Defendant's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 21, 1991

Defendant's Uncontested Motion for Enlargement of Time to File a Brief in Support of Preliminary Objections and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 24, 1991

The Board made the following Order: "AND NOW, this 24th day of June, 1991, upon consideration of Defendants' Uncontested Motion for Enlargement of Time to File a Brief in Support of Preliminary Objections, said motion is hereby **GRANTED**. The defendants shall file their brief in support of their preliminary objections on or before June 24, 1991."

June 26, 1991

Defendant's Uncontested Motion for Enlargement of Time to File a Brief in Support of Preliminary Objections and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

June 26, 1991

The Board made the following Order: "AND NOW, this 26th day of June, 1991, upon consideration of Defendants' Uncontested Motion for Enlargement of Time to File a Brief in Support of Preliminary Objections, said motion is hereby **GRANTED**. The defendants shall file their brief in support of their preliminary objections on or before June 28, 1991."

June 27, 1991

Copies of Order dated June 24, 1991 forwarded to attorney for Plaintiff and attorney for Defendant.

June 27, 1991

Copies of Order dated June 26, 1991 forwarded to attorney for Plaintiff and attorney for Defendant.

June 28, 1991

Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 3, 1991

Acceptance of Service of Order dated June 27, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 1, 1991.

July 8, 1991

Acceptance of Service of Opinion and Order dated June 24, 1991 received from attorney for Defendant. Receipt of same acknowledged

by attorney for Defendant July 2, 1991.

July 8, 1991

Acceptance of Service of Opinion and Order dated June 26, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 2, 1991.

July 22, 1991

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

***September 6, 1991**

CLOSED

The Board rendered an Opinion and made the following Order: **AND** **NOW**, this 6th day of September, 1991, the Preliminary Objections as filed by the Defendant, as they relate to the jurisdiction of this Board and the timeliness of the filing of the Complaint are hereby **DISMISSED**. Count III of the Plaintiff's Complaint, wherein punitive damage is requested is hereby **DISMISSED**. Any allegations sounding in negligence and or tort are hereby **STRICKEN** from the record. All requests made by the Plaintiff that are not limited to a monetary recovery because of a breach of contract are **DISMISSED**. All the named Defendants, namely, Helen O'Bannon, Thomas J. White, Robert W. Thiemann, J. C. Peters, and J. W. McMullen are hereby **STRICKEN** from the record. The new caption will be as follows: WALTER HOLT, JR. : BEFORE THE BOARD OF CLAIMS VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF PUBLIC WELFARE: DOCKET NO. 1528. The Plaintiff is **DIRECTED** to file a more specific Complaint in conformity with the Opinion of the Board, and further, plead a breach of an oral and or written employment contract if such exists, and the damages incurred because of that breach." Copy forwarded to attorney for Plaintiff and attorneys for Defendants.

September 12, 1991

Acceptance of Service of Opinion and Order dated September 6, 1991 received from attorney for Defendant (Office of Administration). Receipt of same acknowledged by attorney for Defendant September 11, 1991.

****October 15, 1991**

Amended Complaint filed by attorney for Plaintiff. Amount of Claim: \$119,954.78+.

October 18, 1991

Copy of Amended Complaint forwarded to attorney for Defendant and

Chief Deputy Attorney General.

October 23, 1991

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 21, 1991.

October 31, 1991

Acceptance of Service of Amended Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 23, 1991.

November 18, 1991

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

December 29, 1991

Entry of Appearance filed by Jason W. Manne, Assistant Counsel, attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 14, 1993

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

January 25, 1993

Motion to Amend Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 22, 1993

Praecipe to Enter Appearance of Harry A. Stiffler, Jr., Esquire on behalf of Plaintiff and Withdrawal of Appearance of Paul Girdany, Esquire on behalf of Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 22, 1993

Response to Respondent's Motion to Amend Answer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 22, 1993

Brief in Opposition to Respondent's Motion to Amend Answer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant

by attorney for Plaintiff.

February 24, 1993

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

February 25, 1993

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

March 16, 1993

Response to Motion to Extend Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

March 19, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of March, 1993, it is **ORDERED** and **DECREED** that the Motion to Extend Discovery as filed by the Commonwealth of Pennsylvania, Department of Public Welfare, is hereby **GRANTED**. It is further **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, complete discovery within forty-five (45) days of the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 6, 1993

Acceptance of Service of Opinion and Order dated March 29, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 31, 1993.

April 27, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of April, 1993, the Motion of the Defendant to Amend its Answer is **GRANTED**. Further, if the Amended Answer necessitates a Reply thereto, the Plaintiff is given the right to file its Reply to the Amended Answer within thirty (30) days of the filing of the Amended Answer." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 3, 1993

Acceptance of Service of Opinion and Order dated April 27, 1993 received from attorney for Defendant. Receipt of same acknowledged

by attorney for Defendant April 30, 1993.

May 6, 1993

Acceptance of Service of Opinion and Order dated April 27, 1993 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 29, 1993.

October 8, 1993

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

November 4, 1993

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

March 4, 1994

Hearing scheduled for April 19, 20 and 21, 1994, before Western District, to be held in Pittsburgh, Pennsylvania, commencing at 10:00 a.m.

April 18, 1994

Hearing originally scheduled for April 19, 20 and 21, 1994, has been rescheduled fro April 20 and 21, 1994, before Western District, to be held in Pittsburgh, Pennsylvania, commencing at 12:00 p.m. on April 20, and 10:00 a.m. on April 21, 1994.

April 29, 1994

Motion to Quash Subpoena or Alternatively for the Issuance of a Protective Order filed by Jonathan Vipond, III, Esquire. Copy forwarded to attorney for Plaintiff and attorney for Defendant by Jonathan Vipond.

April 20, 1994

Hearing held in St. Joseph Center, Room 101, Western District, commencing at 12:00 p.m. Case concluded.

April 27, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of April, 1994, it is **ORDERED** and **DECREED** that Mr. Vipond's Motion to Quash Subpoenas or Alternatively for the Issuance of a Protective Order is **GRANTED**."

May 6, 1994

Motion for Counsel Fees and Court Costs and For Authorization to Plaintiff to Proceed with Depositions without Cross-Examination Should Defendant's Counsel Fail or Refuse to Participate filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 9, 1994

DPW's Response to Claimant's Motion for Counsel Fees Court Costs and For Leave to Take Deposition Without Cross-Examination, Etc. filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 9, 1994

Response to "DPW's Response to Claimant's Letter Motion of May 3, 1994" filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 9, 1994

DPW's Response to Claimant's Letter Motion of May 3, 1994 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 10, 1994

Letter/Motion of May 3, 1994, relative to Disposition filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant.

May 12, 1994

Motion to Extend and/or Confirm Briefing Schedule and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 16, 1994

DPW's Response to Motion to Extend Briefing Schedule filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 19, 1994

Testimony for hearing held May 20, 1994 filed.

May 20, 1994

The Board made the following Order: **"AND NOW**, this 20th day of May, 1994, upon consideration of Claimant's Motion to Confirm Briefing Schedule or in the alternative for an extension of the
May 20, 1994 (cont.)

Briefing Schedule in the above referenced matter, it is hereby **ORDERED** that Claimant's Brief is due thirty (30) days after filing of the deposition testimony of Robert Thiemann and Jonathan Vipond with the Board of Claims. It is further **ORDERED** that Defendant's Brief shall be filed no later than thirty (30) days after service of Claimant's Brief.

CLOSED
May 27, 1994
Copy of Testimony forwarded to attorney for Defendant.
May 27, 1994

Acceptance of Service of Order received from attorney for Plaintiff.
Receipt of same acknowledged by attorney for Plaintiff May 25, 1994.

June 27, 1994

Deposition Transcripts of Jonathan Vipond, III and Robert Thiemann filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 27, 1994

Claimant's Trial Memorandum, Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 3, 1994

Supplement to Claimant's Trial Memorandum filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 29, 1994

The Board made the following Order: "**AND NOW**, this 29th day of August, 1994, the Motion for Counsel Fees and Court Costs and for Authorization to Plaintiff to proceed with depositions and without cross-examination, should Defendant's Counsel fail or refuse to participate, is **DENIED**. However, both counsel for Plaintiff and Defendant are urged to proceed with depositions and with the guidelines set forth above to accomplish the fact-finding goal which the Board believes may result if this procedure is followed. Counsel for Plaintiff is requested to advise this Board within thirty (30) days of the exit date of this Order as to the progress being made to accomplish this goal."

September 15, 1994

Acceptance of Service of Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 31, 1994.

CLOSED

October 4, 1994

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

October 4, 1994

Department's Brief in Support of its Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 30, 1995

Report of Western Division Hearing Panel filed.

June 1, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 1st day of June, 1995, after due consideration of the record, the pleadings, and the other submissions of the parties, it is hereby **ORDERED** and **DECREED** that judgment is entered in favor of the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, and against the Plaintiff, Walter Holt, Jr., in the matter docketed to No. 1528. Each party to bear its own costs and attorneys' fees."

July 3, 1995

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and office of Attorney General by attorney for Plaintiff. Commonwealth Court No. 1562 C.D. 1995.

July 5, 1995

Notice of filing Petition for Review filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 4, 1995

File transferred to Commonwealth Court.

August 21, 1995

Courtesy Copy of Plaintiff's Designation of Contents of Reproduced Record as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 1, 1995

Courtesy Copy of Reply Brief of Petitioner as filed in Commonwealth Court received from attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 18, 1996

Petition for Allowance of Appeal of Walter Holt, Jr. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 28, 1997

Copy of Commonwealth Court Order filed. Order as follows: "AND NOW, this 20th day of June, 1996, the order of the Board of Claims is affirmed". {No. 1563 C.D. 1995}

February 28, 1997

Petition for Allowance of Appeal from Commonwealth Court **DENIED** by Order dated January 22, 1997. {No. 0454 W.D. Allocatur Docket 1996}

February 28, 1997

File returned from Commonwealth Court.

CLOSED