

Docket Number: 1529

DONNELLY ROOFING

Mr. James J. Donnelly

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

~~Keith E. Welks, Chief Counsel~~
Philip T. Van Zile, III, Assistant Counsel

April 23, 1991

Claim and filing fee filed by Plaintiff. Amount of Claim: \$4,275.00+.

April 25, 1991

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

May 1, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 26, 1991.

May 21, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 30, 1991.

May 29, 1991

Defendant's Motion to Continue Case Pending Final Settlement of Claim filed by attorney for Defendant. Copy forwarded to Plaintiff by attorney for Defendant.

June 11, 1991

Letter forwarded to Defendant, with copy to Plaintiff, granting Defendant's Motion to Continue Case Pending Final Settlement.

June 10, 1991

Release filed by attorney for Plaintiff, executed by parties.

July 12, 1991

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of July, 1991, upon due consideration of Defendant's Motion for Continuance and the Release executed by the parties and other submissions, it is hereby **ORDERED** and **DECREED** that the Motion for Continuance is **GRANTED** and further, that Defendant, Commonwealth of Pennsylvania, Department of Environmental Resources, shall pay to Plaintiff, Donnelly Roofing, the sum of Four Thousand Five Hundred Dollars (\$4,500.00), which amount shall include the Fifty Dollar (\$50.00) filing fee paid by the Plaintiff to commence this action, in full satisfaction and settlement of the matter. Plaintiff shall withdraw its Statement of Claim and upon payment of the within award, file a Praecipe with the Board of Claims

requesting that the matter be marked settled

July 12, 1991 (cont'd)

and discontinued with prejudice. Each party to bear its own costs."
Copy forwarded to Plaintiff and attorney for Defendant.

July 17, 1991

Acceptance of Service of Opinion and Order dated July 12, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 16, 1991.

July 18, 1991

Acceptance of Service of Opinion and Order dated July 12, 1991 received from Plaintiff. Receipt of same acknowledged by Plaintiff July 15, 1991.

October 16, 1991

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 16th day of October, 1991, a Rule to Show Cause is issued upon Plaintiff wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded or other justifiable response. This Rule shall become absolute and the case shall be marked closed and settled with prejudice in the event the Board does not receive a response to said Rule." Copy forwarded to Plaintiff and attorney for Defendant.

October 23, 1991

Acceptance of Service of Opinion and Order dated October 16, 1991 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 21, 1991.

January 14, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 14th day of January, 1992, this Order is issued as a result of the failure of Plaintiff to advise the Board of Claims within thirty (30) days from October 16, 1991 as to whether the Plaintiff received the amount of money awarded in the Board's Order of July 12, 1991. It is, therefore, **DIRECTED** that the Rule is made **ABSOLUTE** and that the record shall be marked closed and settled with prejudice." Copy forwarded to Plaintiff and attorney for Defendant.

January 21, 1992

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