

Docket Number: 1541

MUSTANG COAL AND CONTRACTING CORPORATION

Peter R. Swistock, Jr., President

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

~~Keith E. Welks, Chief Counsel~~

~~Philip T. Van Zile, III, Assistant Counsel~~

**July 1, 1991**

Claim and filing fee filed. Amount of Claim: \$40,041.48+.

**July 3, 1991**

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

**July 10, 1991**

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 8, 1991.

**July 10, 1991**

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 9, 1991.

**July 10, 1991**

Praecipe for appearance filed by Philip T. Van Zile, III, attorney for Plaintiff.

**July 29, 1991**

Request for Extension of Time for filing of Defendant's Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**August 1, 1991**

Copy of Praecipe for Appearance forwarded to attorney for Plaintiff.

**August 5, 1991**

Objection to Request for Extension of Time for Filing of Defendant's Answer filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**August 6, 1991**

Acceptance of Service of Entry of Appearance of Philip T. Van Zile, as attorney for Defendant received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 5, 1991.

**August 8, 1991**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 8th day of August, 1991, it is **ORDERED** that the Request  
**August 8, 1991 (cont.)**

for Extension of Time for Filing of Defendant's Answer, filed on behalf of the Commonwealth of Pennsylvania, Department of Environmental Resources, is hereby **GRANTED**, Defendant shall have an additional thirty (30) days in which to file a responsive pleading." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**August 12, 1991**

Response of Commonwealth of Pennsylvania, Department of Environmental Resources, to the Objection Request for Extension of Time for Filing of Defendant's Answer filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**CLOSED**

Acceptance of Service of Opinion and Order dated August 8, 1991 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 9, 1991.

**August 29, 1991**

Answer and New Matter of Commonwealth of Pennsylvania, Department of Environmental Resources, to Complaint of Mustang Coal and Contracting Corporation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

**January 9, 1992**

The Board made the following Order: "It is noted from the docket sheet that under date of August 21, 1991, there was filed by the Commonwealth of Pennsylvania and served upon Claimant an Answer and New Matter. We have been advised that Claimant failed to respond to the Answer and New Matter. The Board dislikes penalizing clients for lapse on the part of its counsel. You are aware, however, that a response must be filed to New Matter within 30 days of service of same, otherwise all matters alleged therein may be treated as admitted. In order to avoid a damaging determination by this Board on the New Matter, I urge you to file a response to said New Matter within thirty (30) days of the date of this Order. Please govern yourself according. Dated January 9, 1991." Copy

**January 9, 1992 (cont.)**

forwarded to attorney for Plaintiff and attorney for Defendant.

**January 15, 1992**

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

**January 15, 1992**

Acceptance of Service of Order received from attorney for Plaintiff.  
Receipt of same acknowledged by attorney for Plaintiff January 14, 1992.

**March 25, 1992**

The Board rendered an Opinion and made the following Order: **AND NOW, this 25th day of March, 1992, the Claim of the Plaintiff is hereby DISMISSED.** Copy forwarded to attorney for Plaintiff and attorney for Defendant.

**April 6, 1992**

Acceptance of Service of Opinion and Order dated March 25, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 30, 1992.

**May 21, 1992**

Per telephone conversation of this date, Plaintiff requested a copy of Opinion and Order dated March 25, 1992, contending he had not received a copy of same.

**May 22, 1992**

Copy of Opinion and Order dated March 25, 1992 forwarded to Plaintiff.