

Docket Number: 1556

PENN TANK DISPOSAL, INC.

Michael R. Freed, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA TURNPIKE COMMISSION

~~Louis Martin, Chief Counsel~~

*Alphonse P. Lepore, Jr., Esquire

VS.

****COBRA ENERGY RESOURCES and ART SMITH and DEBBIE SMITH individually
and t/d/b/a COBRA ENERGY RESOURCES**

Michael F. Fives, Esquire

August 13, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$65,936.00+.

August 20, 1991

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

August 27, 1991

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 22, 1991.

CLOSED

Answer and New Matter filed by attorney for Defendant.

August 30, 1991

Defendant's Interrogatories to Plaintiff filed by attorney for Defendant.

August 30, 1991

Complaint Joining Additional Defendants, Cobra Energy Resources and Art Smith and Debbie Smith individually and t/d/b/a Cobra Energy Resources filed by attorney for Defendant.

September 12, 1991

Certificate of Service of Answer and New Matter received from attorney for Plaintiff.

October 15, 1991

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

October 15, 1991

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

October 31, 1991

Certificate of Service advising that the Complaint Joining Additional Defendant was served on the Additional Defendant filed by attorney for Defendant.

December 30, 1991

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

January 3, 1992

Answer and New Matter (Original Defendant's answer to Additional Defendant's New Matter) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

*** January 16, 1992**

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 16th day of January, 1992, the Complaint against the Additional Defendant, as filed by the Defendants, is hereby **ACCEPTED** by the Board as timely filed and in accordance with the Pennsylvania Rules of Civil Procedure. In the future, the caption of this matter will be evidenced as follows: PENN TANK DISPOSAL, INC. VS. COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA TURNPIKE COMMISSION VS. COBRA ENERGY RESOURCES AND ART SMITH AND DEBBIE SMITH individually and t/d/b/a COBRA ENERGY RESOURCES." Copy forwarded to attorney for Plaintiff, attorney for Defendant and attorney for Additional Defendants.

June 19, 1992

Motion for Summary Judgment on the Pleadings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant.

January 27, 1992

Acceptance of Service of Opinion and Order dated January 16, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 21, 1992.

January 31, 1992

Acceptance of Service of Opinion and Order dated January 16, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant January 21, 1992.

June 24, 1992

Order of Court forwarded to attorney for Plaintiff and attorney for Additional Defendant ordering a response to Defendant's Motion for Summary Judgment be filed within thirty (30) days. Copy forwarded to attorney for Defendant.

July 22, 1992

Answer to Motion for Judgment on the Pleadings and Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant and attorney for Additional Defendant by attorney for Plaintiff.

August 26, 1992

Response to Motion for Summary Judgment on the Pleadings filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

September 17, 1992

Plaintiff's Response to Additional Defendants' Response to Motion for Summary Judgment on the Pleadings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 17, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW,** this 17th day of December, 1992, the request of the Defendant, Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, in the nature of a Motion for Summary Judgment on the Pleadings is hereby **DENIED.** This case will be listed for hearing within the immediate future." Copy forwarded to Plaintiff, Defendant and Additional Defendant.

December 22, 1992

Acceptance of Service of Opinion and Order dated December 17, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 21, 1992.

December 24, 1992

Acceptance of Service of Opinion and Order dated December 17, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 21, 1992.

January 4, 1993

Acceptance of Service of Opinion and Order dated December 17, 1992 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant December 21, 1992.

September 13, 1993

Motion for Sanctions Against Additional Defendants for Failure to Agree to a Hearing Date and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 15, 1993

Hearing scheduled for December 15, 16 & 17, 1993, before Eastern District, to be held in Courtroom #2, 700 Transportation & Safety Building, Harrisburg, Pennsylvania 17120 commencing at 10:00 a.m.

December 15, 1993

Hearing held in Board's Courtroom No. 2, 700 Transportation & Safety Building, Harrisburg, Pennsylvania. Case completed.

January 13, 1994

Testimony for hearing held December 15, 1993 filed.

January 14, 1994

Copy of Testimony for hearing held December 15, 1993 forwarded to attorney for Defendant.

February 10, 1994

Plaintiff's Proposed Findings of Fact, Conclusions of Law, Order and Brief filed by attorney for Plaintiff.

February 10, 1994

Brief in Support of Plaintiff's Findings of Fact and Conclusions of Law filed by attorney for Plaintiff.

February 10, 1994

Acceptance of Service of Testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 26, 1994.

March 4, 1994

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

July 25, 1994

Eastern Panel Hearing Report filed by Panel Members.

May 2, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 2nd day of May, 1995, upon due consideration of the pleadings, testimony, evidence, the Eastern Panel Hearing Report, and other submissions of the parties in this matter it is hereby **ORDERED** and **DECREED** that the Claim filed by Penn Tank Disposal, Inc., is **DISMISSED** for lack of jurisdiction of the subject matter in the Board of Claims, because the claim was untimely filed." Copy forwarded to attorney for Plaintiff, attorney for Defendant, attorney for Additional Defendant and Chief Deputy Attorney General.

May 25, 1995

Acceptance of Service of Opinion and Order dated May 2, 1995 received from attorney for Additional Defendant. Receipt of same acknowledged by attorney for Additional Defendant May 10, 1995.

June 9, 1995

Petition for Review of Board of Claims' Decision on Docket No. 1556 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 12, 1995

Additional Respondent's Response to Petition for Review filed by attorney for Additional Defendant. Copy forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Additional Defendant.

June 15, 1995

Petition for Review received from Commonwealth Court. [No. 1301 C.D. 1995].

June 19, 1995

Motion for Continuance filed in Commonwealth Court by attorney for Plaintiff.

August 7, 1995

Notice of Intention to Proceed Under Pennsylvania Rules of Appellate Procedure 2154(b) as filed in Commonwealth Court filed by attorney for Plaintiff.

August 31, 1995

Courtesy copy of Plaintiff's Motion for Extension of Time in which to file a Brief as filed in Commonwealth Court filed by attorney for Plaintiff.

January 2, 1996

Motion to Dismiss filed by Commonwealth Court by attorney for Defendant.

April 30, 1996

File returned from Commonwealth Court re to Plaintiff's Dismissal of case in Commonwealth Court. **CASE CLOSED.**

CLOSED