

Docket Number: 1588

MARY E. MARTIN

Donald R. Calairo, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

~~Dennis T. Guise, Chief Counsel~~

David A. Gallogly, Assistant Counsel

November 15, 1991

New Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$168,250.00.

November 25, 1991

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

December 4, 1991

Acceptance of Service of New Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 2, 1991.

CLOSED

Acceptance of Service of New Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 13, 1991.

January 23, 1992

Preliminary Objections of the Commonwealth of Pennsylvania, Department of Environmental Resources and Brief combined filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 16, 1992

Brief in Support of Preliminary Objections of The Commonwealth of Pennsylvania, Department of Environmental Resources filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 16, 1992

Reply to Preliminary Objections and Brief in Opposition received VIA FAX filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 19, 1992

Reply to Preliminary Objections and Brief in Opposition filed by attorney for Plaintiff via U.S. Mail. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 9, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 9th day of June, 1992, the Preliminary Objections of the Defendant are **GRANTED** and the Complaint of the Plaintiff is **DISMISSED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 22, 1992

Acceptance of service of opinion and Order dated June 9, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 11, 1992.

CLOSED

June 30, 1992

Acceptance of service of Opinion and Order dated June 9, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 18, 1992.

July 14, 1992

Notice of Appeal filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 20, 1992

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.

July 23, 1992

Copy of Order received from Commonwealth Court. Order as follows: "NOW, July 21, 1992, it appearing that the Board of Claims' decision was entered June 9, 1992, the last day to petition for review thereof was July 10, 1992, and that the above petition for review was filed July 17, 1992, the petition for review is hereby dismissed as untimely filed. See Pa. R.A.P. 1512(a) (1)."

July 31, 1992

Copy of Petitioner's Motion to Amend Caption and Motion for Reconsideration as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 22, 1992

Subpoena issued to Robert L. McLaughlin, Senior Counsel by attorney for Defendant.

October 22, 1992

Affidavit of Robert L. McLaughlin, Senior Counsel, forwarded to attorney for Defendant via FAX. Original Affidavit hand delivered by messenger to Keith Wilks, Chief Counsel of Defendant.

November 4, 1992

Copy of Order received from Commonwealth Court. "NOW, this 7th day of October 1992, following the submission of stipulated facts regarding petitioner's application for nunc pro tunc appeal, petitioner shall file a brief in support of its application not later than November 4, 1992. Respondent shall file a brief in opposition to the application not later than November 12, 1992."

November 6, 1992

Copy of Brief in Support of Petitioners Petition for Review Nunc Pro Tunc as filed in Commonwealth Court filed by attorney for Plaintiff.

March 3, 1993

Copy of Order received from Commonwealth Court. Order as follows: "NOW, March 1, 1993, argument on petitioner's petition for review nunc pro tunc is hereby fixed for March 23, 1993, at 11:00 a.m. Said argument shall be conducted via telephone conference call to the offices of counsel of record, and shall originate from the chambers of a designated judge of the Commonwealth Court, South Office Building, Harrisburg, Pennsylvania."

April 7, 1993

Copy of Order received from Commonwealth Court. Order as follows: "NOW, this 5th day of April, 1993, petitioner Mary E. Martin's petition for review nunc pro tunc is granted and petitioner's petition for review of the order of the Board of Claims is reinstated."

April 12, 1993

Petition for Review received from Commonwealth Court. (No. 1513 C.D. 1993)

May 11, 1993

File transmitted to Commonwealth Court.

January 10, 1994

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, this 7th day of January, 1994, the order of the Board of Claims, dated June 9, 1992, is affirmed."

March 11, 1994

File returned from Commonwealth Court.

April 4, 1994

Copy of Order received from Commonwealth Court. Order as follows: "NOW, this 11th day of April, 1994, the third paragraph of the above-captioned Opinion, filed on January 7, 1994, beginning at the top of page two, is amended to read as follows: Martin filed a petition for review with this court on July 17, 1992, which we dismissed, sua sponte, as being untimely filed. After Martin filed a motion for reconsideration, we issued an order stating that her motion would be considered as a petition for review nunc pro tunc. On April 5, 1993, we granted Martin's appeal nunc pro tunc and reinstated the petition for review."

April 18, 1994

Copy of Order received from Commonwealth Court. Order as follows: "**AND NOW**, this 13th day of April, 1994, it is **ORDERED** that the opinion in the above case filed January 7, 1994, shall be designated **OPINION**, rather than **MEMORANDUM OPINION**, and it shall be reported."
