

Docket Number: 1596

INTERNATIONAL SHELTER SYSTEMS, INC.

~~Pamela S. Parascandola, Esquire~~
~~*Dennis J. Bonetti, Esquire~~

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

~~Raymond W. Dorian, Assistant Counsel~~
~~Frederick C. Smith, Jr., Assistant Counsel~~
~~David B. Farney, Assistant Counsel~~
~~Joseph T. Forkin, Assistant Counsel~~

December 11, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$255,288.66+.

December 13, 1991

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

December 23, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 18, 1991.

CLOSED

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

August 20, 1992

Plaintiff's Motion to Compel Discovery and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 26, 1992

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 26th day of August, 1992, upon consideration of the within Motion and on Motion of John A. Gill, Esquire, it is hereby **ORDERED** as follows: a. That Defendant is directed to prepare Answers to Plaintiff's First Set of Interrogatories directed to Defendant and serve the same on the Plaintiff's counsel within thirty (30) days. b. That Defendant is directed to produce all documents in response to plaintiff's Request for Production of Documents at Plaintiff's counsel's office within thirty (30) days." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

September 9, 1992

Acceptance of Service of Opinion and Order dated August 26, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 27, 1992.

September 18, 1992

Acceptance of Service of Opinion and Order dated August 26, 1992 which was reforwarded on August 31, 1992 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 15, 1992.

September 24, 1992

Defendant's Responses to Plaintiff's First Set of Interrogatories and response to Plaintiff's First Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 7, 1992

Defendant's Amended Letter/Response to Plaintiff's Interrogatory No. 7, as well as a copy of the Adams Commission Report filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 26, 1993

Plaintiff's Motion to Compel Defendant's Responses to Plaintiff's Second Request for Production of Documents and Proposed Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 5, 1993

Entry of Appearance filed by Pamela S. Parascondola, Esquire, attorney for Plaintiff. Copy forwarded to attorney for Defendant (William Fairall, Esquire) by attorney for Plaintiff (Pamela S. Parascondola, Esquire).

March 21, 1995

Stipulation of Non-Disclosure, executed by parties, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 15, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 15th day of May, 1995, it is **ORDERED** and **DECREED** that the Motion to Compel Defendant's, Department of Corrections, Response to Plaintiff's International Shelter Systems, Inc., Second Request for Production of Documents is hereby **DISMISSED** as being **MOOT** by the Stipulation of Non-Disclosure." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 25, 1995

Acceptance of Service of Opinion and Order dated May 15, 1995 received from attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

June 6, 1995

Acceptance of Service of Opinion and Order dated May 15, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 17, 1995.

February 27, 1997

Letter forwarded to parties requesting a Status Report. Status Reports due on or before March 31, 1997.

April 7, 1997

Letter received from Plaintiff advising that she has not yet finalized the Requests for Admissions but hopes to finalize same 30 days from April 8, 1997 (May 8, 1997).

June 12, 1997

Claimant's Request for Admissions - 1st Set; Plaintiff's Interrogatories and Request for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 3, 1998

Letter forwarded to parties requesting a Status Report. **Status Report due on or before March 5, 1998.**

March 10, 1998

Second Letter forwarded to parties requesting a status report. Status Report due on or before **April 9, 1998** or a Rule to Show Cause for Failure to Prosecute will be issued.

March 20, 1998

Letter/Status Report received from Plaintiff advising that the parties agreed that the anticipated course of action proceeding upon a set of stipulated facts and Plaintiff will then file a motion and brief to place the legal issues before the Board for resolution. Plaintiff anticipates that these matters can be completed within 90 days.

August 4, 1998

Letter forwarded to parties requesting a status report. Status Report due on or before September 2, 1998.

September 4, 1998

Letter/Status report received from Plaintiff advising that they are currently drafting a Motion for Summary Judgment and Brief in Support thereof and anticipate to file same within approximately (six) weeks. Copy forwarded to attorney for Defendant.

Letter forwarded to parties requesting a status report. Status Report due on or before January 21, 1999.

January 20, 1999

Letter received from attorney for Plaintiff advising that she will be filing a Motion for Summary Judgment and Brief in Support thereof by February 19, 1999. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 19, 1999

Motion for Partial Summary Judgment of Claimant, International Shelter Systems, Incorporation, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 26, 1999

Brief of Claimant, International Shelter Systems, Incorporated, in Support of Motion for Partial Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 16, 1999

Respondent's Motion for Extension of Time, of sixty (60) days, in which to respond to Plaintiff's Motion for Partial Summary Judgment, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 18, 1999

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 18th day of March, 1999, it is **ORDERED** and **DECREED** that the Defendant's Motion for Extension of Time is hereby **GRANTED**. It is further **ORDERED** and **DECREED** that Defendant's response to Plaintiff's Motion for Partial Summary Judgment is now due on or before **May 28, 1999**. Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 22, 1999

Acceptance of Service of Opinion and Order dated March 18, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 19, 1999.

CLOSED

April 1, 1999

Acceptance of Service of Opinion and Order dated March 18, 1999, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 29, 1999.

April 9, 1999

Motion for Leave to Amend Answer to Add New Matter, Proposed Order, Amended Answer with New Matter and Brief in Support of Respondent's Motion for Leave to Amend Answer to Add New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 21, 1999

Appendix of Respondent's Exhibits filed with Motion for Leave to Amend filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 21, 1999

Respondent's Motion for Summary Judgment and Brief in Support of Respondent's Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 10, 1999

Claimant's Answer to Respondent's Motion for Leave to Amend Answer to Add New Matter and Brief of Claimant, International Shelter Systems, Inc., in Opposition to Respondent's Motion to Amend Answer to Add New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 10, 1999

Motion of Claimant, International Shelter Systems, Inc. for Enlargement of Time, Within Which to Respond to Respondent's Motion for Summary Judgment, Based upon Respondent's Late Request to Raise New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 13, 1999

Respondent's Reply Brief in Support of Motion to Amend Answer to Add New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 18, 1999

CLOSED

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of May, 1999, it is **ORDERED** and **DECREED** that Plaintiff's Motion for an Enlargement of Time is hereby **GRANTED**. It is further **ORDERED** and **DECREED** that within thirty (30) days after the resolution of the Motion for Leave to Amend Answer to Add New Matter, Plaintiff shall file its response to Defendant's Motion for Summary Judgment, if necessary." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 19, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 19th day of May, 1999, upon consideration of the respondent's motion for leave to amend its answer to add new matter and its supporting briefs and claimant's answer to the motion and supporting brief, **IT IS HEREBY ORDERED** that the motion is **GRANTED**. Further, **IT IS HEREBY ORDERED** that respondent's amended answer with new matter is filed and claimant shall file its response within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 21, 1999

Acceptance of Service of Opinion and Order dated May 18, 1999 received from Defendant. Receipt of same acknowledged by Defendant May 21, 1999.

May 21, 1999

Acceptance of Service of Opinion and Order dated May 18, 1999 received from Defendant. Receipt of same acknowledged by Defendant May 21, 1999.

May 27, 1999

Acceptance of Service of Opinion and Order dated May 19, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 20, 1999.

May 27, 1999

Acceptance of Service of Opinion and Order dated May 18, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 20, 1999.

June 16, 1999

Reply of Claimant, International Shelter Systems, Incorporated, to Respondent's Amended Answer including New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 16, 1999

Answer of Claimant, International Shelter Systems, Incorporated to Respondent's Motion for Summary Judgement as well as Brief in Opposition to Motion for Summary Judgement, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 20, 1999

Praecipe for Entry (of Raymond W. Dorian, Esquire) and Withdrawal (of Joseph Forkin, Assistant Counsel) of Appearance on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 20, 1999

Defendant's Motion for Extension of Time, as well as Proposed Order, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 22, 1999

Respondent's Motion for Extension of Time Nunc Pro Tunc and/or Renewed Motion for Leave to Amend Answer, Respondent's Brief in Support of Motion for Extension of Time Nunc Pro Tunc and/or Renewed Motion for Leave to Amend Answer, Respondent's Proposed Amended Answer with New Matter and Proposed Order, filed by attorney for Defendant.

July 27, 1999

The Board made the following Order: "**AND NOW**, this 27th day of July, 1999, upon consideration of the Defendant's Motion for Extension of Time, it is hereby **ORDERED** that the Motion is granted and the Defendant shall file a reply brief to the Claimant's Brief in Opposition to Defendant's Summary Judgment Motion within ten days from the date hereof." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

July 27, 1999

The Board made the following Order: "**AND NOW**, this 27th day of July, 1999, upon consideration of the Respondent's Motion for Extension of Time to file its Answer, it is hereby **ORDERED** that the Motion is granted and the Respondent is directed to file its Amended Answer to Claimant's Complaint with additional matter, references and response to and brief in opposition to the Claimant's Partial Summary Judgment Motion within ten days from the date hereof." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 4, 1999

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

August 4, 1999

Acceptance of Service of two (2) Orders, dated July 27, 1999, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 3, 1999.

August 5, 1999

Respondent's Brief in Opposition to the Claimant's Motion for Partial Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 5, 1999

Respondent's Reply Brief in Support of Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 27, 1999

Claimant's Answer to Respondent's Amended Answer with New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 9, 1999

Notice of Service of Respondent's First Set of Interrogatories to Claimant as well as Notice of Service of Respondent's First Request for Production of Documents to Claimant filed by attorney for Defendant.

September 21, 1999

Reply Brief of Claimant, International Shelter Systems, Incorporated in Support of Claimant's Motion for Partial Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 30, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 30th day of September, 1999, the Defendant's, Commonwealth of Pennsylvania, Pennsylvania Department of Corrections, Motion for Summary Judgment is hereby **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

Notice of Service of Claimant's Objections to Respondent's First Set of Interrogatories and Request for Production of Documents filed by attorney for Plaintiff.

October 6, 1999

Acceptance of Service of Opinion and Order dated September 30, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 4, 1999.

October 6, 1999

Acceptance of Service of Opinion and Order dated September 30, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 5, 1999.

November 23, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of November, 1999, it is hereby **ORDERED** and **DECREED** that the Claimant's, International Shelter Systems, Inc., Motion for Partial Summary Judgment is hereby **DISMISSED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 30, 1999

Acceptance of Service of Opinion and Order dated November 23, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 24, 1999.

December 2, 1999

Acceptance of Service of Opinion and Order dated November 23, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 29, 1999.

***May 15, 2000**

Entry of Appearance of Dennis J. Bonetti, Esquire, on behalf of Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 24, 2000

Precept for withdrawal of Appearance of Pamela S. Parascandola, Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 24, 2000

Letter forwarded to parties requesting a Status Report. Status Report due on or before **June 23, 2000**.

June 13, 2000

Letter received from attorney for Defendant advising that they have yet to receive answers to their First Set of Interrogatories to Claimant.

June 23, 2000

Letter received from attorney for Plaintiff advising that Pamela S. Parascandola, Esquire has left the firm and advising that Dennis J. Donetti, Esquire is now handling this matter. Plaintiff also advises that they have forwarded Plaintiff's Responses to Request for Production of Documents, and that Answers to Interrogatories have been drafted.

January 4, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **February 5, 2001**.

January 17, 2001

Letter received from Defendant advising that on August 29, 2000 they received Plaintiff's Answers to Defendant's First Set of Interrogatories and that there has been no other activity in this matter since that date.

February 2, 2001

Letter received from attorney for Plaintiff advising that he has undertaken the responsibility of handling this file and has had the opportunity to review same and is in the process of determining whether discovery has been completed.

August 14, 2001

Letter received from attorney for Plaintiff advising that Defendant has scheduled a deposition for August 15, 2001 and at that time Plaintiff will determine whether additional discovery is necessary.

August 17, 2001

Letter received from attorney for Defendant advising that the deposition of Joseph Lancaster was conducted on August 15, 2001 and the Defendant anticipates taking the deposition of former ISSI Vice President Ellen Reather and then no further discovery is expected.

August 23, 2001

Stipulation of Counsel, duly executed, filed by attorney for Plaintiff and attorney for Defendant.

February 28, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before March 29, 2002.

March 11, 2002

Letter received from Plaintiff advising that he believes this matter is ready to be arbitrated and advises that it may be beneficial to schedule a pre-trial type conference wherein they parties could attempt to limit the issues for arbitration.

March 13, 2002

Letter received from Defendant advising that discovery is continuing and that last month he sent a records request and release to Plaintiff's prior insurance agent in Maryland seeking relevant records and has not received same yet.

June 19, 2002

Letter received from Plaintiff advising that the parties have worked out a Stipulation of Facts in order to present the case without an evidentiary hearing and is suggesting that a briefing schedule be issued in advance of an argument date.

July 1, 2002

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 1st day of July, 2002, the Plaintiff, International Shelter Systems, Inc., is hereby **ORDERED** to file with the Board its Brief on or before August 1, 2002. Defendant, Commonwealth of Pennsylvania, Department of Corrections, is hereby **ORDERED** to file its Brief in Opposition thereto, no later than September 1, 2002. Plaintiff may file with the Board a Reply Brief to Defendant's Brief in Opposition no later than September 1, 2002. A hearing on legal argument only shall commence at 10:30 a.m. October 10, 2002, before the Board in Court Room No. 1, 100 North Third Street, Suite 600, Harrisburg, Pennsylvania. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 9, 2002

Acceptance of Service of Opinion and Order dated July 1, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 8, 2002.

July 11, 2002

Acceptance of Service of Opinion and Order dated July 1, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 10, 2002.

August 1, 2002

Joint Stipulation of Facts, executed by parties, filed by attorney for Plaintiff.

August 1, 2002

Brief of International Shelter Systems, Inc., in Support of its Position for Judgment in its Favor and Against the Commonwealth of Pennsylvania, Department of Corrections, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 13, 2002

Respondent's Trial Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 27, 2002

Reply Brief of International Shelter Systems, Inc. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 10, 2002

Board hearing held (legal argument only) this date. Legal argument hearing completed.

CLOSED

November 8, 2002
Testimony of hearing held October 10, 2002 filed
November 12, 2002
Copy of testimony hearing held October 10, 2002 forwarded to attorney for Defendant. ***Plaintiff's Findings of Fact, etc. due on or before December 12, 2002.***

November 15, 2002

Acceptance of Service of transcript of argument held October 10, 2002, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 2002.

December 20, 2002

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of December, 2002, the claims of International Shelter Systems, Inc., are **DENIED** and judgment is entered in favor of the Commonwealth of Pennsylvania, Department of Corrections. Each party to bear its own costs and attorney fees." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General

December 26, 2002

Acceptance of Service of Opinion and Order dated December 20, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 23, 2002.

December 31, 2002

Acceptance of Service of Opinion and Order dated December 20, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 23, 2002.

January 6, 2003

Acceptance of Service of Opinion and Order dated December 20, 2002 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 31, 2002.

January 17, 2003

Copy of Petition for Review, as filed in Commonwealth Court, received from attorney for Plaintiff.

January 22, 2003

Petition for Review received from Commonwealth Court {No. 122 CD 2003}.

CLOSED

January 23, 2003
File transmitted to Commonwealth Court.
January 24, 2003
Courtesy Copy of Decerting Statement, as filed in Commonwealth Court, received from attorney for Plaintiff.

February 25, 2003

Courtesy Copy of Plaintiff's Designation of Contents of Reproduced Record Pursuant to Pa. R.A.P. 2154, as filed in Commonwealth Court, received from attorney for Plaintiff.

March 5, 2003

Courtesy Copy of Plaintiff's Brief of Petitioner, International Shelter Systems, Inc., as well as Plaintiff's Reproduced Record, as filed in Commonwealth Court, received from attorney for Plaintiff.

March 28, 2003

Courtesy copy of Reply Brief of Petitioner, International Shelter, as filed in Commonwealth Court, received from Plaintiff.

October 7, 2003

Commonwealth Court filed copy of Opinion and Order. Order as follows: "**NOW**, August 1, 2003, the order of the Board of Claims in the above-captioned matter is hereby affirmed".

October 7, 2003

File returned from Commonwealth Court.

CLOSED