

Docket Number: 1621

UNION SWITCH AND SIGNAL, INC.

Robert E. Curran, Esquire

George D. Wenick, Esquire

VS.
CLOSED
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY * AN AGENCY AND
INSTRUMENTALITY OF
THE COMMONWEALTH OF PENNSYLVANIA

Victor P. Stabile, Esquire

(Send courtesy copies of all correspondence to James F. Kilcur,
General Counsel, for SEPTA)

March 20, 1992

Claim and filing fee filed by attorneys for Plaintiff. Amount of Claim: \$20,000.00+.

March 20, 1992

Plaintiff's First Request to Defendant for Production of Documents filed by attorneys for Plaintiff.

March 25, 1992

Copy of Claim and Plaintiff's First Request to Defendant for Production of Documents forwarded to attorney for Defendant (Victor P. Stabile).

CLOSED

March 25, 1992

Copy of Claim forwarded to Chief Deputy Attorney General.

***March 27, 1992**

Amendment to caption filed by attorney for Plaintiff.

April 2, 1992

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 31, 1992.

April 6, 1992

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

April 10, 1992

Acceptance of Service of Complaint and Plaintiff's First Request to Defendant For Production of Documents received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 31, 1992.

April 10, 1992

Acceptance of Service of Amendment to Caption received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 8, 1992.

April 17, 1992

Plaintiff's First Request to Defendant for Production of Documents filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 27, 1992

Defendant Southeastern Pennsylvania Transportation Authority ("SEPTA") 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.

CLOSED

April 27, 1992

Defendant's Preliminary Objections to Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 2, 1992

Defendant's Memorandum of Law in Support of Preliminary Objections to Complaint filed by attorney for Defendant. Copy forwarded to attorneys for plaintiff by attorney for Defendant.

June 22, 1992

plaintiff's Memorandum of Law in Opposition to Preliminary Objections of Defendant filed by attorneys for Plaintiff. Copy forwarded to attorney for Defendant by attorneys for Plaintiff.

July 13, 1992

Defendant's Reply Memorandum of Law in Support of Its Preliminary Objections to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

November 17, 1992

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 17th day of November, 1992, the Defendant's Preliminary Objections, in the nature of a Motion to Dismiss for Lack of Jurisdiction, a Motion for More Specific Pleadings, and a Motion to Strike Complaint for Lack of Conformity to Law and Rule of Court, are **DENIED**. The Defendant's Preliminary Objection in the nature of a Motion to Strike Plaintiff's Request for Attorney's Fees is hereby **GRANTED**, and the Defendant is given thirty (30) days to file a responsive pleading." Copies forwarded to attorneys for Plaintiff and attorney for Defendant.

November 23, 1992

Acceptance of Service of Opinion and Order dated November 17, 1992 received from attorney for Plaintiff (Robert E. T. Curran, Esquire). Receipt of same acknowledged by attorney for Plaintiff November 18, 1992.

CLOSED

November 27, 1992

Acceptance of Service of Opinion and Order dated November 17, 1992 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 18, 1992.

November 30, 1992

Application for Amendment to Qualify for Interlocutory Appeal Pursuant to 42 Pa. C.S.A. §§702(B) and 5574 filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

December 7, 1992

Acceptance of Service of Opinion and Order dated November 17, 1992 received from attorney for Plaintiff (George D. Wenick, Esquire). Receipt of same acknowledged by attorney for Plaintiff November 20, 1992.

February 5, 1993

Southeastern Pennsylvania Transportation Authority's Answer, New Matter and Counterclaims to Plaintiff's Complaint filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant.

March 17, 1993

Union Switch & Signal, Inc.'s Answer and Affirmative Defenses to SEPTA's Counterclaim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 22, 1993

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of March, 1993, the Application for Amendment to Qualify for Interlocutory Appeal Pursuant to 42 Pa. C.S.A. §§702(B) and 5574 as filed by the Defendant, Southeastern Pennsylvania Transportation Authority, an Agency and Instrumentality of the Commonwealth of Pennsylvania, is hereby **GRANTED**. The Board is of the opinion that the matter involves a controlling question of law as to which there is substantial ground for difference of opinion and represents an issue that should be addressed by an Appellate Court in accordance with Pa. R.C.P. 1311 and 42 Pa. C.S.A. §702(B). Accordingly, the Order of the Board dated November 17, 1992 is **AMENDED** to allow the Defendant to qualify that Order for an interlocutory appeal." Copies forwarded to attorneys for Plaintiff and attorney for Defendant.

March 25, 1993

Acceptance of Service of Opinion and Order dated March 22, 1993, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 23, 1993.

March 26, 1993

Acceptance of Service of Opinion and Order dated March 22, 1993, received from attorney for Plaintiff (Robert E. J. Curran, Esquire). Receipt of same acknowledged by attorney for Plaintiff March 24, 1993.

April 2, 1993

Acceptance of Service of Opinion and Order dated March 22, 1993, received from attorney for Plaintiff (George D. Wenick, Esquire). Receipt of same acknowledged by attorney for Plaintiff March 24, 1993.

May 27, 1993

Copy of Order received from Commonwealth Court. Order as follows:
 "NOW, May 24, 1993, upon consideration of petitioner's petition for permission to appeal pursuant to Pa. R.A.P. 1311, and respondent's reply thereto, the petition is granted and the appeal is allowed from the order entered by the State Board of Claims dated November 17, 1992, as amended March 22, 1993, at docket No. 1621. The Chief Clerk is directed to list oral argument on the merits of this matter on the September 1993 argument lost in Harrisburg. The Chairman of the Board of Claims shall certify the record in this matter to this Court on or before June 24, 1993. Petitioner shall file and serve its brief (15 copies) and reproduced record (8 copies) or before July 23, 1993. Respondent shall file and serve its brief (15 copies) or before August 23, 1993. All proceedings in this matter before the Board of Claims are stayed pending resolution of the instant appeal. In addition to mailing copies of this Order to counsel of record, the Chief Clerk shall mail a copy of same to the Chairman of the Board of Claims."

CLOSED

June 22, 1993

File transmitted to Commonwealth Court.

June 5, 1996

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, this 14th day of January, 1994, that portion of the order of the Board of Claims dated November 17, 1992, No. 1621, denying Southeastern Pennsylvania Transportation Authority's Motion to Dismiss for Lack of Jurisdiction is reversed." [No. 907 C.D. 1993]

June 5, 1996

~~Petition for Allowance of Appeal from Commonwealth Court denied September 12, 1994. (No. 0058 M.D. Allocatur Docket 1994)~~

June 5, 1996

File returned from Commonwealth Court.