

Docket Number: 1747

*REALE, & FOSSEE & APPELBE, P.C.

C.S. Fossee, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
acting through the Unified Judicial System by the Agent of the
ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS and the COURT OF COMMON
PLEAS OF JEFFERSON COUNTY

~~William L. Henry, President Judge~~
~~David M. Donaldson, Chief of Litigation~~
Howard M. Holmes, Deputy Legal Counsel
Joseph E. Buckley, Jr., Esquire

***September 20, 1993**

Claim and filing fee filed by Plaintiff. Amount of Claim: \$58,925.50+.

September 24, 1993

Copies of Claim forwarded to attorney for Defendant (Administrative Office of Pennsylvania Courts), Defendant (Court of Common Pleas of Jefferson County), and Chief Deputy Attorney General.

October 4, 1993

Acceptance of Service of Claim received from Defendant (Court of Common Pleas of Jefferson County). Receipt of same acknowledged by Defendant October 2, 1993.

October 21, 1993

Preliminary Objections of Respondent (Administrative Office of Pennsylvania Courts) to Claim of Reale, Posse & Appelb filed by attorney for Defendant (Administrative Office of Pennsylvania Courts). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 24, 1993

Claimant's Reply to Respondent's Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 21, 1993

Entry of Appearance of Joseph E. Buckley, Jr., Esquire on behalf of Defendant (Court of Common pleas of Jefferson County). Copy forwarded to attorney for Plaintiff and attorney for Defendant (Administrative Office of Pennsylvania Courts).

December 28, 1993

The Board rendered an Opinion and made the following Order: "AND NOW, this 28th day of December, 1993, the Preliminary Objections as filed by the Defendant, Administrative Office of Pennsylvania Courts, are OVERRULED. The Plaintiff is given thirty (30) days from the exit date of this Order to file a Complaint containing

December 28, 1993 continued

numbered allegations as provided by the Pennsylvania Rules of Civil Procedure. However, the preliminary Objections as ruled upon by this Board in accordance with this Opinion will not be reheard by the

Board when the Complaint is filed by the Plaintiff in accordance with this Order." Copy forwarded to attorney for Plaintiff, attorney for Defendants (Administrative Office of Pennsylvania Courts) and (Court of Common Pleas of Jefferson County).

January 10, 1994

Acceptance of Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 30, 1994.

January 12, 1994

Acceptance of Service of Opinion and Order dated December 28, 1994 received from attorney for Defendant (Howard M. Holmes, Deputy Legal Counsel). Receipt of same acknowledged by attorney for Defendant (Howard M. Holmes, Deputy Legal Counsel).

***January 31, 1994**

Amended Complaint filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

February 16, 1994

Copy of Amended Complaint forwarded to Chief Deputy Attorney General.

February 25, 1994

Acceptance of Service of Amended Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 23, 1994.

March 16, 1994

Preliminary Objections of Respondent, Administrative Office of Pennsylvania Courts, to Complaint of Reale, Fosse & Appelbe, P.C., filed by attorney for Defendant, Administrative Office of

March 16, 1994 continued

Pennsylvania Courts. Copy forwarded to attorney for Plaintiff by attorney for Defendant, Administrative Office of Pennsylvania Courts.

May 10, 1994

The Board rendered an Opinion and made the following Order: "AND NOW, this 10th day of May, 1994, the Preliminary Objections as filed by the Respondent are DENIED. The Respondent is given thirty (30) days from the exit date of this Order to file a responsive pleading."

Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

May 16, 1994

Acceptance of Service of Opinion and Order dated May 10, 1994 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 12, 1994.

May 17, 1994

Acceptance of Service of Opinion and Order dated May 10, 1994 received from William Henry, President Judge. Receipt of same acknowledged by William Henry, President Judge May 12, 1994.

May 24, 1994

Acceptance of Service of Opinion and Order dated May 10, 1994 received from attorney for Court of Common Pleas of Jefferson County. Receipt of same acknowledged by attorney for Court of Common Pleas of Jefferson County May 17, 1994.

June 9, 1994

Answer and New Matter of the Administrative office of Pennsylvania Courts, filed by attorney for Defendant (Administrative Office of Pennsylvania Courts). Copy forwarded to attorney for Plaintiff by attorney for Plaintiff by attorney for Defendant.

July 11, 1994

Claimant's Reply to new Matter filed by attorney for Plaintiff. Copy forwarded to attorneys for all parties by attorney for Plaintiff.

October 5, 1994

Courtesy copy of Emergency Petition for King's Bench Relief, as filed in the Supreme Court of Pennsylvania, filed by the Board of County Commissions of Jefferson County.

October 13, 1994

Courtesy Copy of Withdrawal of Appearance of David J. DeVries, Chief Deputy Attorney General, as filed in Supreme Court, filed by Chief Deputy Attorney General.

October 13, 1994

Courtesy Copy of Answer to Emergency Petition for King's Bench Relief, as filed in Supreme Court, filed by attorney for Plaintiff.

October 17, 1994

Copy of Order received from Supreme Court. Order as follows: "AND NOW, this 13th day of October, 1994, the Emergency Petition for King's Bench Relief is denied. Mr. Justice Montemuro is sitting by designation."

November 10, 1994

Praecipe for Default Judgment and Notice of Order for Judgment filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

December 27, 1994

Notice of Order, Decree or Judgment (updated) filed by attorney for Plaintiff. Copy forwarded to all attorneys of record by attorney for Plaintiff.

***March 14, 1995**

The Board rendered an opinion and made the following Order: "AND NOW, this 14th day of March, 1995, the Notice of Order, Decree or Judgment as filed by the Claimant is hereby DENIED. The Board of Claims will transfer to the Court of Common Pleas of Jefferson County that part of the case wherein the Court of Common Pleas of Jefferson County is a named Respondent." Copies forwarded to all attorneys of record.

March 28, 1995

Acceptance of Service of Opinion and Order dated March 14, 1995 received from The Honorable William L. Henry, of Jefferson County. Receipt of same acknowledged by The Honorable William. Henry, of Jefferson County, March 16, 1995.

April 18, 1995

Acceptance of Service of Opinion and Order dated March 14, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 16, 1995.

October 19, 1995

Central District Panel Hearing scheduled for November 8 and 9, 1995, to be held in Board's Courtroom No. 2, Suite 600, Fulton Building, 200 North Third Street, Harrisburg, Pa, to commence at 12:30 p.m. on November 8 and at 9:30 a.m. on November 9, 1995.

November 8, 1995

Central District Panel Hearing held this date commencing at 12:30

p.m. Case completed.

November 20, 1995

Testimony of Central District Panel Hearing held November 8, 1995 filed.

January 12, 1996

Acceptance of Service of testimony of hearing held November 8, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 6, 1995.

January 31, 1996

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

February 8, 1996

Post-Hearing Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 26, 1996

Letter received from attorney for Plaintiff requesting until March 13, 1996 to file a Reply to Defendant's Brief.

March 6, 1996

Letter forwarded to Plaintiff, with copy to Defendant, granting request to file a Reply to Defendant's Brief. REPLY BRIEF DUE ON OR BEFORE 3/13/96.

March 14, 1996

Reply Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 29, 1996

Central District Panel Report filed.

June 7, 1996

The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of June, 1996, the Claim of Reale, Fossee & Appelbe, P.C., now Reale & Fossee, P.C., is hereby DISMISSED. Each party to pay their own costs and attorney's fees." Copy forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

June 12, 1996

Acceptance of Service of Opinion and Order dated June 7, 1996, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 10, 1996.

CLOSED