

Docket Number: 1751

E.R.H. COMPANY, INC.

Michael L. Rozman, Esquire
Jeff Foreman, Esquire

CLOSED

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

William R. Pouss, Chief Counsel

June 2, 1993

By Order of Commonwealth Court, case filed, ORDER as follows: "NOW, June 2, 1993, upon consideration of respondent's preliminary objection as to jurisdiction, and it appearing that petitioner agrees that jurisdiction in this matter is in the Board of Claims, respondent's preliminary objection as to jurisdiction is sustained and this photocopy of the docket entries of the above matter and the record to the Chairman of the Board of Claims. Argument on respondent's preliminary objections to petition for review, previously fixed for June 3, 1993 at 9:30 a.m., is canceled."

THE FOLLOWING FILED IN COMMONWEALTH COURT

CLOSED
April 16, 1993
Petition for review/Notice of Appeal Filed.
April 16, 1993
Certificate of Service

April 16, 1993

Filed-Other-Petitioner's application for special relief in the nature of an ex parte preliminary injunction is denied. Blatt, S.J. Order Exit 4-19-93. EVENT RESULT: Ex Parte Injun. Den.

April 19, 1993

Notices Exit

April 30, 1993

Preliminary Objections - Filed by respondent.

May 4, 1993

Order Filed - Argument on respondent's P.O. is fixed for June 3, 1993, at 9:30 a.m., Courtroom No. 1, Hbg, Pa Respondent's briefs (5) in opposition to P.O's are due June 1, 1993. Colins, J. Order Exit 5-5-93.

EVENT RESULT: Hearing Scheduled

May 18, 1993

Respondent/Appellee's Brief Filed In Support of Preliminary Objections.

June 10, 1993

Petitioner/Appellant's Brief Filed In Opposition to Preliminary Objections.

June 1, 1993

Filed Other - Petitioner's Brief in Opposition to Preliminary Objections.

June 1, 1993

Order Filed - Respondent's preliminary objection as to jurisdiction is sustained and this matter is transferred to the Board of Claims. Argument on Respondent's preliminary objections to petition for view, previously fixed for June 3, 1993 at 9:30 a.m. is canceled. Silvestri, S.J.

July 8, 1993

Filed - Other - Transferred to the Board of Claims.

BEFORE THE BOARD OF CLAIMS:

June 2, 1993

Record transferred from Commonwealth Court.

July 15, 1993

File received from Commonwealth Court. Amount of Claim: unknown.

July 26, 1993

Letter forwarded to Plaintiff requesting additional copies of complaint and filing fee.

September 13, 1993

The Board rendered an opinion and made the following Order: "AND NOW, this 13th day of September, 1993, a Rule to Show Cause is issued upon Plaintiff, E.R.H. Company, Inc., wherein it is DIRECTED that Plaintiff file with the Board of Claims, an original and six (6) copies of the Complaint and the statutory Fifty-Dollar (50.00) filing fee to commence with this action, or other justifiable response. This Rule shall become absolute and the case shall be marked 'closed and settled with prejudice' in the event the Board does not receive a response to said Rule." Copy forwarded to attorney for Plaintiff.

September 24, 1993

Copies of opinion and Order dated September 13, 1993 forwarded to attorney for defendant.

September 27, 1993

Additional copies of Complaint and filing fee received. Additional information to be requested.

October 8, 1993

Copies of Complaint forwarded to attorney for Defendant and chief Deputy Attorney General.

October 8, 1993

Letter forwarded to Plaintiff requesting additional information (amount of claim).

October 19, 1993

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 13, 1993.

January 3, 1994

Amended Claim (amount of claim) filed by attorney for Plaintiff. Amount of Claim: \$14,100.00.

January 13, 1994

The Board rendered an Opinion and made the following Order: "AND NOW, this 13th day of January, 1994, a Rule to Show Cause is issued upon Plaintiff, E.R.H. Company, Inc., for failure to state the amount of their Claim. This Rule shall become absolute and the case shall be dismissed with prejudice in the event the Board does not receive a response to said Rule within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 26, 1994

Acceptance of Service of opinion and Order dated January 13, 1994 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 18, 1994.

February 4, 1994

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

February 7, 1994

Preliminary Objections to Petition For Review filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

February 10, 1994

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 8, 1994.

February 11, 1994

Acceptance of Service of Amended Claim received from Chief Deputy attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 8, 1994.

March 15, 1994

Brief in Support of Respondent's Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 6, 1994

Claimant's Brief in Opposition to Respondent's Preliminary Objection filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 6, 1994

The Board rendered an Opinion and made the following Order: "AND NOW, this 6th day of May, 1994, the Preliminary Objections as filed by the Defendant, Commonwealth of Pennsylvania, Pennsylvania Game Commission, are hereby DENIED. The Defendant is directed to file responsive pleadings within thirty (30) days of the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 11, 1994

Acceptance of Service of Opinion and Order dated May 6, 1994 filed by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 9, 1994.

CLOSED

May 12, 1994

Acceptance of Service of Opinion and Order dated May 6, 1994 filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 9, 1994.

May 24, 1994

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

December 23, 1994

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

June 12, 1996

The Board rendered the following Order: "AND NOW, this 12th day of June, 1996, upon receipt of a Letter/Praecipe to Withdraw, Discontinue and End, filed on behalf of Plaintiff, E.R.H. Company, Inc., which states: 'Please withdraw any and all claims against the Pennsylvania Game Commission' same of which is docketed with this Board under date of May 13, 1996, it is ORDERED and DECREED that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

June 20, 1996

Acceptance of Service of Order dated June 12, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 17, 1996.