

Docket Number: 1819

CAPARO REAL ESTATE, INC. and CAPARO NEW CONSTRUCTION, INC. and CHARLES
CAPARO, individually and t/a Caparo Insurance Agency

Jeffrey Pearson, Esquire
~~Thomas M. Close, Esquire~~

CLOSED
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY

Elaine Lytle Mead, Deputy Chief Counsel
Brian P. Downey, Assistant Counsel

March 23, 1994

By Order of the Court of Common Pleas of Montgomery County, case filed, Order as follows: "AND NOW, this 23rd day of March, 1994, the Prothonotary is directed to transfer Count III of Plaintiffs' Complaint to the Board of Claims, in conformity with the Order of the Commonwealth Court dated December 21, 1993, and pursuant to 42 Pa. C.S.A. §5103(a) and Pa. R.C.P. 213(f)."

THE FOLLOWING FILED IN COURT OF COMMON PLEAS OF MONTGOMERY COUNTY

August 13, 1991

Served Deft Charles Caparo on 11/12/91.

August 13, 1991

Served Deft Caparo Ins Agency on 8/12/91.

August 30, 1991

Appearance of Thomas M. Close Esq for Deft Charles Caparo t/a Caparo Ins Agency.

August 30, 1991

Demand for Jury Trial by Deft Charles Caparo t/a Caparo Ins Agency

August 30, 1991

Rule to File Complaint upon Plaintiff.

September 5, 1991

Served Deft State Workmens ins Fund on 8/20/91.

October 3, 1991

Complaint in Civil Action.

November 21, 1991

Answer and New Matter by Deft Charles Caparo with New Matter 2252D.

November 21, 1991

Certification of Serv of Ans of Deft to Plaintiff Complaint on 11/8/91.

November 25, 1991

Reply to New Matter by Plaintiffs.

November 27, 1991

Preliminary Objections of Deft State Workmens Ins Fund Commonwealth of Montgomery County Pa Dept of Labor & Industry.

November 27, 1991

Certification of Service of Preliminary Objections on 11/27/91.

November 27, 1991

Appearance of Elaine Lytle Mead Esq for Deft State Workmen's Ins Fd, Commonwealth of Pa Dept of Labor & Indus.

December 13, 1991

Preliminary Objections of State Workmen's Ins Fd, Commonwealth of Pennsylvania Dept of Labor & Industry.

December 13, 1991

Certification of Service of Prel Objs & Proposed Order on 12/13/91.

December 19, 1991

Answer to Prelim. Objections by Pltfs.

December 19, 1991

Certification of Serv of Ans to Prel Objs on 12/19/91.

January 2, 1992

Answer to Prelim. Objections by Deft Caparo.

January 2, 1992

Certification of Serv of Ans to Prel Objs on 1/2/92.

March 24, 1992

Motion for Sanctions and Rule Date on 4/21/92 Denmire, Ca Copy sent.

April 3, 1992

Certification of Serv of Mot to Compel Responded to Req for Prod with Rule to Show Cause on 4/1/92, with Rule Returnable.

April 24, 1992

Order of 4/23/92 Corso, J Copies Sent.

July 22, 1992

Praecipe for Argument Prel Obj-Prel Objs to New Matter of Deft Charles Caparo, et al. Agnst Deft State Workmens Ins Fund.

November 25, 1992

Withdrawal of Appearance of Terence Sean McGraw Esq for Pltfs.

November 25, 1992

Appearance of Jeffry S. Pearson Esq for Pltfs

December 23, 1992

Order of 12/23/92 OTT, J Copies Sent 12/23/92

January 11, 1993

Motion for Stay of Proceedings Pending Disposition of Defts Motion to Amend Order & Pet to Appeal an Interlocutory Order of Order of 1/8/93 OTT, J Copies sent 1/8/93

January 8, 1993

Motion by Deft State Workmens Ins Fund, Commonwealth of Pa, Dept of Labor & Industry to Amend Order.

January 13, 1993

Answer and New Matter by Defts State Workmen's Ins Fund & Commonwealth of Penna Dept of Labor & Industry.

January 13, 1993

Certification of Serv of Ans & New Matter on 1/12/93

February 4, 1993

Reply to New Matter by Pltfs

March 5, 1993

Certification of Order dated March 1, 1993 (Pet for Review in Granted appeal is allowed from the Orders of 12/23/92 & 1/8/93) certify Record to Commonwealth (Cont Next Entry).

March 5, 1993

Certification (Cont from Last Entry) Court of Pa before March 23, 1993 Blatt SJ from Commonwealth Court of Pa (No 171 C.D. 1993).

March 10, 1993

Papers forwarded to Commonwealth Court of Pa Certified Mail No.
P 095 981 897

July 6, 1993

Certification of Order dated July 1, 1993 (remanded to the Ct of
Common Pleas of Montg Co to issue an Opinion) Silvestri SRJ & Memo
Opinion from commonwealth Court of Pa.

July 8, 1993

Received Record from Commonwealth Court of Pa

October 15, 1993

Opinion of October 15, 1993 OTTU Copies

~~BEFORE THE BOARD OF CLAIMS~~

CLOSED

March 23, 1994

Record Transferred from Court of Common Pleas of Montgomery County.

March 29, 1994

File received from Court of Common Pleas of Montgomery County.
Amount of Claim: \$100,000.00+.

April 7, 1994

Letter forwarded to attorneys for Plaintiff requesting additional
copies of Claim and filing fee.

May 4, 1994

Additional copies of Claim and filing fee received.

May 12, 1994

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

May 17, 1994

Acceptance of Service of Claim received from attorney for Defendant.
Receipt of same acknowledged by attorney for Defendant May 16, 1994.

May 17, 1994

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 16, 1994.

June 13, 1994

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

August 4, 1994

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

November 9, 1994

Defendant's Request for Admissions and Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 9, 1994

Plaintiff's Response to the Request for Admissions of Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 29, 1995

Motion for Summary Judgment, Brief in Support of Motion, proposed Order and Supporting Documentation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 7, 1995

Reply to Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 16, 1995

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

March 1, 1996

The Board rendered an Opinion and made the following Order: "AND NOW, this 1st day of March, 1996, upon due consideration of Defendant's Motion for Summary Judgment, and it appearing to the Board and the Board so finds, that there is now genuine issue as to any relevant of material fact, and that Defendant is entitled to judgment as a matter of law. WHEREFORE, it is ORDERED, ADJUDGED and DECREED that summary judgment be, and is hereby, entered in favor of Defendant, and that Plaintiff has and recovers nothing against Defendant by this suit herein. Each party shall pay its own costs and attorney fees." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

March 5, 1996

Acceptance of Service Opinion and Order dated March 1, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 5, 1996.

CLOSED