

Docket Number: 1833

DANIEL H. WERNER, JR.

Elliot A. Strokoff, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ADMINISTRATION AND OFFICE OF INSPECTOR GENERAL

~~Frank A. Fisher, Chief Counsel~~
~~Linda J. Wells, Chief Counsel~~
~~Patricia J. Goldband, Assistant Counsel~~
~~Gregg R. Melinson, Esquire~~
Stephanie A. Middleton, Esquire

August 31, 1994

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$18,750.00+.

September 7, 1994

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT OCTOBER 7, 1994.**

September 21, 1994

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 9, 1994.

CLOSED

Preliminary Objections filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 25, 1994

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

November 14, 1994

Brief of Plaintiff in Opposition to Preliminary Objections of Defendants filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 30, 1994

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of December, 1994, the Preliminary Objections of the Defendants, Office of Administration and Office of Inspector General, in the nature of a Demurrer, wherein the Complaint of the Plaintiff, Daniel H. Werner, Jr., would have been dismissed is hereby **DENIED**. The Preliminary Objections of the Defendants in the nature of a more specific Complaint is hereby **GRANTED**. The Plaintiff is hereby directed to file an Amended Complaint in accordance with this Opinion. The Plaintiff is given thirty (30) days from the date of this Order to file and Amended Complaint." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

January 4, 1995

Acceptance of Service of Opinion and Order dated December 20, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 3, 1995.

January 5, 1995

Acceptance of Service of Opinion and Order dated December 20, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 3, 1995.

January 26, 1995

Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

February 21, 1995

Acceptance of Service of Amended Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 13, 1995.

February 27, 1995

Preliminary Objections filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendants.

March 30, 1995

Brief of Defendant in Support of Preliminary Objections to Amended Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 20, 1995

Brief of Plaintiff in Opposition to Preliminary Objections to Amended Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

August 30, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 30th day of August, 1995, after due consideration of the Amended Claim, the Preliminary Objections and Briefs of the parties, it is hereby **ORDERED** that said Preliminary Objections are **DENIED**.

It is further **ORDERED** and **DIRECTED** that the Defendant's Commonwealth of Pennsylvania, Office of Administration and Office of Inspector General, file an Answer or other response to Daniel H. Werner, Jr., Amended Claim within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 13, 1995

Acceptance of Service of Opinion and Order dated August 30, 1995 received from attorney for Defendants. Receipt of same acknowledged by attorney for Defendants September 13, 1995.

September 27, 1995

Motion to Amend Order Pursuant to Pa. R.A.P. 1311 filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendants.

September 27, 1995

Answer to Amended Claim and New Matter filed by attorney for Defendants. Copy forwarded to attorney for Plaintiff by attorney for Defendants.

October 10, 1995

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

October 10, 1995

Brief of Plaintiff in Opposition to Commonwealth's Motion to Amend Order Pursuant to Pa. R.A.P. 1311 filed by attorney for Plaintiff. Copy forwarded to attorney for Defendants by attorney for Plaintiff.

November 8, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of November, 1995, after review and due consideration of Defendants', Commonwealth of Pennsylvania, Office of Administration and Office of Inspector General, Motion to Amend Order of August 30, 1995, it is the Board's opinion that allowance of immediate appeal from its Order will not materially advance the ultimate termination of the instant Claim. Therefore, Defendants' Motion to Amend Order is **DENIED** and Defendants are **DIRECTED** to file an Answer or other response to Plaintiff's, Daniel H. Werner, Jr., Amended Claim withing thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendants.

November 14, 1995

Acceptance of Service of Opinion and Order dated November 8, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 14, 1995.

November 14, 1995

Acceptance of Service of Opinion and Order dated December 20, 1994 received from attorney for Defendants. Receipt of same acknowledged by attorney for Defendants January 3, 1995.

November 28, 1995

Copy of Defendant's Petition for Review filed in Commonwealth Court filed by attorney for Defendants.

November 30, 1995

Copy of Defendants' Application for Stay of Proceedings Pending Disposition of Petition for Review as filed in Commonwealth Court filed by attorney for Defendants.

December 27, 1997

Order rendered in Commonwealth Court as follows: "NOW, December 21, 1995, upon consideration of petitioner's petition for review, which was filed pursuant to the Official Note to Pa. R.A.P. 1311, and the brief in opposition thereto, the petition is denied on the basis that the Board of Claims' refusal to certify the question for interlocutory appeal is not "so eregious as to justify prerogative appellate correction." See Official Note to Pa. R.A.P. 1311.

January 18, 1996

The Board rendered the following Order: "AND NOW, this 18th day of January, 1996, in light of the Commonwealth Court's Order dated November 22, 1995, Defendant, Office of Administration and Office of Inspector General, is hereby DIRECTED to file their Answer or other justifiable response to Plaintiff's, Daniel H. Werner, Jr., Amended Complaint within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 25, 1996

Praecipe for Appearance on behalf of Defendant filed by Gregg R. Melinson, Esquire and Stephanie A. Middleton, Esquire.

November 25, 1996

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

November 25, 1996

Defendant's Motion for Protective Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 26, 1996

Plaintiff's Response to Defendant's Motion for Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 26, 1996

The Board rendered an Opinion and made the following Order: "AND NOW, this 26th day of December, 1996, the Motion for Summary Judgment as filed by the Defendant, Commonwealth of Pennsylvania, Office of Administration and Office of Inspector General, is hereby GRANTED and this case is hereby DISMISSED with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 31, 1996

Acceptance of Service of Opinion and Order dated December 27, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 30, 1996.

January 9, 1997

Plaintiff's Motion for Reconsideration filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 27, 1997

Defendant's Response to Motion for Reconsideration filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 27, 1997

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of March, 1997, the Plaintiff's, Daniel H. Werner, Jr., Motion for Reconsideration is hereby **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 18, 1997

Order received from Commonwealth Court as follows: "**AND NOW**, this 22nd day of October 1997, the order of the Board of Claims, dated December 26, 1996, is affirmed." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 18, 1997

File returned from Commonwealth Court.