

Docket Number: 1905

HARRY R. GUARDASONI and ELIZABETH E. GUARDASONI

~~Kathleen T. O'Boyle, Esquire~~
John Linkosky, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

~~Keith E. Welks, Chief Counsel~~
~~Virginia J. Davison, Assistant Counsel~~
~~Mark A. Ross, Assistant Counsel~~
Robert D. Leidigh, Esquire and
Charles Haws, Esquire

March 6, 1995

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$100,000.00.

March 23, 1995

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

March 28, 1995

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 24, 1995.

CLOSED

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

Praecipe for Entry of Appearance of Virginia J. Davison, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 17, 1995

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

June 7, 1995

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

August 14, 1995

Notice of Appearance of Marc A. Ross, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 19, 1995

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

September 21, 1995

Affidavits of Service - Depositions of : George E. Katrancha, 9/12/95; David A. Bomba, 9/12/95; Louise Ruozzi, 9/19/95; Robert Ruozzi, 9/19/95; Arthur Brugnoli, 9/19/95; Lois Owens, 9/19/95; Grace Guardasoni, 9/19/95 - filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

September 22, 1995

Defendant's Motion to Strike Notices of Depositions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 25, 1995

Motion to Stay all Proceedings filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 5, 1995

Practise for appearance of Sharlock, Roche & Menle, Gary F. Sharlock, Esquire and Robert D. Leidigh, Esquire, on behalf of Defendant, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 5, 1995

Motion for Protective Order or Alternatively Motion to Strike Deposition Transcripts filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 11, 1995

Defendant, Commonwealth of Pennsylvania, Department of Environmental Protection's Responses to Claimant's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 12, 1995

Department of Environmental Protection's Brief in Support of Motion to Strike Notices of Deposition filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 25, 1995

Letter received from Defendant requesting that the Stay per his request be lifted.

October 26, 1995

Motion for Stay of Administrative Proceedings filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 3, 1995

Commonwealth of Pennsylvania, Department of Environmental Protection's Motion to Compel Responses to Interrogatories and Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 7, 1995

Brief in Support of Motion for Protective Order or Alternatively Motion to Strike Deposition Transcripts filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

November 27, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of November, 1995, it is **ORDERED** and **DECREED** that the Plaintiff's Motion to Stay Proceedings, as filed on October 26, 1995, is hereby **GRANTED**. The Defendant's Motion to Stay, filed on September 25, 1995 is hereby **DISMISSED** as being **MOOT**. The Board is aware that counsel for Defendant has filed a Motion for Protective Order or Alternatively Motion to Strike Deposition Transcripts, on October 5, 1995, as well as a Motion to Compel Responses to Interrogatories and Request for Production of Documents filed on November 3, 1995. It is the Board's opinion that these Motions are **MOOT** in view of the herein issued Stay of Proceedings. When and if proceedings are reactivated before the Board of Claims, the Board will rule on Defendant's Motions at that time." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

December 4, 1995

Motion for Reconsideration of Order dated November 27, 1995 filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 4, 1995

Acceptance of Service of Opinion and Order dated November 27, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 29, 1995.

December 4, 1995

Acceptance of Service of Opinion and Order dated November 27, 1995 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 29, 1995.

January 10, 1996

Brief in Support of Motion for Reconsideration of Order dated November 27, 1995 filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

August 5, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 5th day of August, 1996, it is **ORDERED** and **DECREED** that the Defendant's Motion for Reconsideration of Order dated November 27, 1995 is hereby **GRANTED**. The Order of Court dated November 27, 1995, is **VACATED** and the stay on all proceedings in this case is **LIFTED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

August 16, 1996

Acceptance of Service of Opinion and Order dated August 5, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 9, 1996.

September 9, 1996

Brief in Opposition to Defendant's Motion to Strike Various Depositions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 18, 1996

The Board rendered an Opinion and made the following Order: "AND NOW, this 18th day of October, 1996, the two Motions as filed by the Defendant, Commonwealth of Pennsylvania, Department of Environmental Protection, in the Nature to Compel Discovery is MOOT because the Plaintiff, Harry R. Guardasoni and Elizabeth E. Guardasoni, has advised the Board that the answers to the discovery are forthcoming. The Motion for Protective Order or Alternatively Motion to Strike Depositions will not be ruled upon by the Board because the Motion is **MOOT**. If the parties are unable to resolve their discovery problems as a result of the Plaintiff's Answers to Defendant's Request for Production of Documents and Plaintiff's position as to why the Depositions have named individuals when necessary and cannot be resolved by the parties, the Board will consider and rule upon the appropriate Motions." Copy forwarded to all parties of record.

CLOSED

Acceptance of Service of Opinion and Order dated October 18, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 22, 1996.

October 30, 1996

Motion for Sanctions/Motion to Compel Discovery filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 1, 1996

Acceptance of Service of Opinion and Order dated October 18, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 29, 1996.

November 4, 1996

Acceptance of Service of Opinion and Order dated October 18, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 24, 1996.

December 27, 1996

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of December, 1996, it is **ORDERED** and **DECREED** that the Motion for Sanctions/Motion to Compel, filed by the Plaintiff, is hereby **DISMISSED** as being **MOOT**. It is further **ORDERED** and **DECREED** that should it become necessary, Plaintiff may revive the Motion for Sanctions/Motion to Compel by leave of Court." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

January 7, 1997

Acceptance of Service of Opinion and Order dated December 27, 1996 received from attorney for Defendant (Mark R...). Receipt of same acknowledged by attorney for Defendant January 2, 1997.

January 13, 1997

Acceptance of Service of Opinion and Order dated December 27, 1996 received from attorney for Defendant (Robert...). Receipt of same acknowledged by attorney for Defendant January 2, 1997.

July 2, 1997

Letter forwarded to parties requesting status report. STATUS REPORT DUE ON OR BEFORE AUGUST 1, 1997.

August 4, 1997

Motion for Summary Judgement Based on the Statute of Limitations Issue and Brief in Support of Motion for Summary Judgment filed by attorney for Defendant. Copy forwarded to attorneys for Plaintiff by attorney for Defendant. **Plaintiff's Response & Brief due September 4, 1997.**

August 11, 1997

Status Report received from Plaintiff advising that all discovery should be complete by September 30, 1997 and that Claimant's will be in a position to proceed with the adjudication as soon after this date as possible.

September 4, 1997

Claimant's Response to Motion for Summary Judgment and Original Brief in Opposition to Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 11, 1997

Affidavits of Service of Subpoena Duces Tecums for: Thomas Novothy; Mark Cook; E. Ramella; Keith Pucelik; Gerald Barron; David Helsley; Donald Ansell; Kevin Helsley; Mark Pritts; and Thomas Yoder filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 15, 1997

Letter received from attorney for Defendant requesting until September 23, 1997, in which to file a Reply Brief to Claimant's Response and Brief to Defendant's Motion for Summary Judgment. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of February, 1998, the Motion for Summary Judgment of Defendant, Pennsylvania Department of Environmental Protection, based upon the Statute of Limitations, is hereby **DISMISSED**." Copies forwarded to attorney for Plaintiff and attorneys for Defendant.

March 24, 1998

Letter/Status Report received from Plaintiff advising that discovery deadline dates discussed have now expired and Plaintiff is unaware of any outstanding discovery issues and advises that they want this matter to be scheduled for trial.

April 9, 1998

Hearing scheduled for February 8, 9, 10, 11 & 12, 1999 as well as February 16, 17, 18 and 19, 1999, in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA, commencing at 9:30 a.m.

April 13, 1998

Letter received from attorney for Defendant disagreeing with Plaintiff's letter of March 24, 1998 requesting that the matter be scheduled for trial. Defendant feels that the companion case currently pending in Westmoreland County Court of Common Pleas should be heard first.

May 5, 1998

Letter received from Plaintiff disagreeing with Defendants letter and stating that the remedies available and sought in the Board of Claims action would not be duplicative and hence would not prevent or otherwise cause the Claimant's to lose interest in seeking full adjudication.

May 7, 1998

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 7th day of May, 1998, it is **ORDERED** and **DECREED** that the deadline for submitting Pre-Trial Statements is hereby extended until November 30, 1998. It is further **ORDERED** and **DECREED** that the trial shall commence as heretofore mentioned." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

May 11, 1998

Acceptance of service of Opinion and Order dated May 7, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 11, 1998.

December 2, 1998

Pre-Trial Statement of Pennsylvania Department of Environmental Protections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

December 8, 1998

Claimant's Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 25, 1999

Motion to Bifurcate Trial filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 25, 1999

Supplemental Pre-Hearing Statement of Pennsylvania Department of Environmental Protection filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 26, 1999

Claimant's Motion to Enforce Earlier Ruling/Motion for Order Based on Collateral Estoppel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 27, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 27th day of January, 1999, upon consideration of the Respondent's Motion to Bifurcate the Trial, that motion is **DENIED** for the reasons stated in the Opinion above. The Motion to Enforce Earlier Ruling/Motion for Order Based on Collateral Estoppel filed by Claimants is **GRANTED**. The case will proceed to trial as scheduled." Copy forwarded to attorney for Plaintiff and attorneys for Defendant.

February 1, 1999

Acceptance of Service of Opinion and Order dated January 27, 1999 received from attorney for Defendant (Indigo). Receipt of same acknowledged by attorney for Defendant January 29, 1999.

February 2, 1999

Acceptance of Service of Opinion and Order dated January 27, 1999 received from attorney for Defendant (Indigo). Receipt of same acknowledged by attorney for Defendant February 1, 1999.

February 4, 1999

Hearing which was originally scheduled to commence on February 8, 1999 at 9:30 a.m. is now scheduled to commence at 1:30 p.m.

February 8, 1999

Hearing held this date in Board's Courtroom No. 1, 6th Floor Fulton Building, Harrisburg, PA commencing at 1:30 p.m.

February 9, 1999

Hearing held this date in Board's Courtroom No. 1, 6th Floor Fulton Building, Harrisburg, PA commencing at 9:30 a.m.

February 10, 1999

Hearing held this date in Board's Courtroom No. 1, 6th Floor Fulton Building, Harrisburg, PA commencing at 9:30 a.m.

February 11, 1999

Hearing held this date in Board's Courtroom No. 1, 6th Floor Fulton Building, Harrisburg, PA commencing at 9:30 a.m.

February 12, 1999

Hearing held this date in Board's Courtroom No. 1, 6th Floor Fulton Building, Harrisburg PA commencing at 9:30 a.m.

February 16, 1999

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA commencing at 9:30 a.m.

February 17, 1999

Hearing held this date in Board's Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, PA commencing at 9:30 a.m. Case Completed.

March 8, 1999

Testimony of hearing held February 8, 1999 filed.

March 10, 1999

Copy of testimony of hearing held February 1999 forwarded to attorneys for Defendant.

March 10, 1999

Testimony of hearing held February 9, 1999 filed.

March 12, 1999

Copy of testimony of hearing held February 9, 1999 forwarded to attorneys for Defendant.

March 12, 1999

Testimony of hearing held February 10, 1999 filed.

March 15, 1999

Testimony of hearing held February 11 and 12, 1999 filed.

March 16, 1999

Copy of testimony of hearing held February 10, 11 and 12, 1999 forwarded to attorneys for Defendant.

March 16, 1999

Acceptance of Service of Testimony of hearing held February 8, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 15, 1999.

March 16, 1999

Acceptance of Service of Testimony of hearing held February 9, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 15, 1999.

March 19, 1999

Acceptance of Service of testimony of hearing held February 10, 11 & 12, 1999 received from attorney for Defendant (Haws). Receipt of same acknowledged by attorney for Defendant March 18, 1999.

March 22, 1999

Counsel's Motion to Withdraw and Proposed Order, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 24, 1999

Testimony of hearing held February 16 and 17, 1999 filed.

March 25, 1999

The Board rendered an opinion and made the following Order: "And Now, this 25th day of March, 1999, it is **ORDERED** and **DECREED** that the Motion to Withdraw as counsel to Claimants is **DENIED**. Should the Claimants, through Mrs. Guardasola, retain counsel, the Board certainly will entertain a Praecipe to Substitute and/or a Motion to Withdraw by Claimants' present counsel." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 26, 1999

Response to Claimants' Motion to Withdraw as Counsel and Objection and Motion to Strike Portions of Motion to Withdraw Which refer to the Alleged Amount of Money Owed to Counsel filed by attorney for Defendant (via facsimile). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 29, 1999

Copy of testimony of hearing held February 16 and 17, 1999 forwarded to attorneys for Defendant. ***Plaintiff's Findings of Fact, Conclusions of Law and Brief due on or before April 28, 1999.***

March 29, 1999

Response to Claimants' Motion to Withdraw as Counsel and Objection and Motion to Strike Portions of Motion to Withdraw Which refer to the Alleged Amount of Money Owed to Counsel filed by attorney for Defendant (via U.S. Mail). Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 29, 1999

Substitution of Appearance (intended to reflect a change in name and address of law firm only) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 5, 1999

Acceptance of Service of testimony of hearing held February 16 and 17, 1999 received from attorney for Defendant (Haws). Receipt of same acknowledged by attorney for Defendant April 2, 1999.

May 13, 1999

Letter received, via facsimile, from attorney for Plaintiff, requesting until May 30, 1999 in which to file Claimant's Findings of Fact and Conclusion of Law. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 13, 1999

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant, granting Plaintiff's request for an extension of time in which to file Claimant's Findings of Fact and Conclusions of Law until **May 30, 1999**.

June 9, 1999

Claimant's Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. ***Defendant's Findings, etc. due July 9, 1999.***

July 1, 1999

Request for extension of time, until August 9, 1999, for Defendant to file its Findings, of Fact, Conclusions of Law and Brief received via E-mail by attorney for Defendant.

July 6, 1999

Request for extension of time **granted** via E-mail for Defendant to file its Findings of Fact, Conclusions of Law and Brief. ***Defendant's Findings, etc. now due on or before August 9, 1999.***

August 9, 1999

Request for extension of time, until August 30, 1999, for Defendant to file its Findings, of Fact, Conclusions of Law and Brief received via E-mail by attorney for Defendant.

August 11, 1999

Request for extension of time **granted** via E-mail for Defendant to file its Findings of Fact, Conclusions of Law and Brief. ***Defendant's Findings, etc. now due on or before August 30, 1999.***

September 7, 1999

Department of Environmental Protection's Proposed Findings of Fact and Conclusions of Law, as well as Brief in Support of the Commonwealth of Pennsylvania, Department of Environmental Protection in Support of Its Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

CLOSED

Department of Environmental Protection's Supplement to its Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant, via facsimile.

May 31, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 31st day of May, 2000, an award is entered in favor of the Claimants, Harry R. Guardasoni and Elizabeth E. Guardasoni, in the amount of Two Hundred Thousand Dollars (\$200,000.00) with interest at the statutory rate of six percent (6%) per annum from March 6, 1995. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that this matter be marked 'closed, discontinued and ended with prejudice'. Each party to bear their own costs and attorneys' fees." Copy forwarded to attorney for Plaintiff, attorneys for Defendant and Chief Deputy Attorney General.

June 5, 2000

Acceptance of Service of Final Opinion and Order dated May 31, 2000 received from attorney for Defendant (Robert Leidigh, Esq.). Receipt of same acknowledged by attorney for Defendant June 2, 2000.

June 12, 2000

Defendant Pennsylvania Department of Environmental Protection's Motion for Post-Trial Relief as well as Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 16, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 16th day of June, 2000, it is **ORDERED** and **DECREED** that the Defendant's, Department of Environmental Protection, Motion for Post-Trial Relief as well as Brief in Support thereof is hereby **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

Acceptance of Service of Final Opinion and Order dated May 31, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 13, 2000.

Acceptance of Service of Opinion and Order dated June 16, 2000 received from attorney for Defendant (Haws). Receipt of same acknowledged by attorney for Defendant June 19, 2000.

June 26, 2000

Acceptance of Service of Opinion and Order dated June 16, 2000 received from attorney for Defendant (Leidigh). Receipt of same acknowledged by attorney for Defendant June 20, 2000.

July 3, 2000

Copy of Petition for Review, as filed in Commonwealth Court by Defendant, received from attorney for Defendant.
(No. 1497 C.D. 2000)

July 10, 2000

Courtesy copy of Docketing Statement as filed in Commonwealth Court by attorney for Defendant, received from attorney for Defendant.

July 21, 2000

File transmitted to Commonwealth Court.

July 10, 2000

Courtesy copy of Docketing Statement as filed in Commonwealth Court by attorney for Defendant, received from attorney for Defendant.

August 4, 2000

Courtesy Copy of Designation of Record Pursuant to Pa. R.A.P. 2154(a), as filed in Commonwealth Court, filed by attorney for Defendant.

July 27, 2001

Notice of Petition for Allowance of Appeal received from the Supreme Court of Pennsylvania.

October 1, 2001

Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, this 10th day of April, 2002, the order of the Board of Claims dated June 16, 2000 is affirmed in part and reversed in part. It is further ordered that this matter be remanded to the Board of Claims for a new hearing on the issue of damages. Jurisdiction relinquished."

February 7, 2002

File returned from Commonwealth Court.

February 11, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before **March 13, 2002.**

February 13, 2002

Copy of Order received from Supreme Court. Order as follows: "**AND NOW**, this 9th day of January, 2002, the Petition for Allowance of Appeal is hereby denied." (429 WAL 2001)

March 11, 2002

Letter received from attorney for Defendant advising that the parties have been discussing a possible settlement and Defendant does not feel it is necessary to schedule further proceedings at this time.

March 12, 2002

Letter received (via fax) from attorney for Plaintiff advising that DEP's proposed resolution is unacceptable and Plaintiff requests that the Board schedule a hearing in accordance with the Order of the Commonwealth Court.

March 15, 2002

Letter received (via U.S. mail) from attorney for Plaintiff advising that DEP's proposed resolution is unacceptable and Plaintiff requests that the Board schedule a hearing in accordance with the Order of the Commonwealth Court.

March 19, 2002

CLOSED

The Board rendered the following Order: "AND NOW, this 19th day of March, 2002, it is **ORDERED** and **DECREED** that the matter is set for a hearing before the Board beginning on May 10, 2002 through May 22, 2002, if necessary. Said hearing shall be held in Courtroom No. 1, 10th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 28, 2002

Acceptance of Service of Order dated March 19, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 25, 2002.

April 12, 2002

Acceptance of Service of Order dated March 19, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 10, 2002.

April 22, 2002

Pre-hearing Statement filed (via fax) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 23, 2002

Claimants' Pretrial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 24, 2002

Pre-hearing Statement filed (via U.S. mail) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 13, 2002

Motion in Limine filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 13, 2002

Response to Plaintiff's Motion in Limine filed (via fax) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 14, 2002

The Board rendered an opinion and made the following Order: "AND NOW, this 14th day of May, 2002, Plaintiff's Motion in Limine is hereby **GRANTED**. Respondent shall limit its presentation at the hearing scheduled for May 20 through May 22, 2002, consistent with the above opinion." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 15, 2002

Response to Plaintiff's Motion in Limine filed (via U.S. mail) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 16, 2002

Application for Amendment of the Board's Order of May 14, 2002 filed (via fax) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 17, 2002

Application for Amendment of the Board's Order of May 14, 2002 filed (via U.S. mail) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 20, 2002

Hearing held in Board's Court Room No. 1, 6th Floor, Fulton Bank Building, Harrisburg, PA commencing at 9:30 a.m. Case completed.

May 20, 2002

Memorandum of Law filed at time of hearing by attorney for Defendant.

May 20, 2002

Acceptance of Service of Opinion and Order dated May 14, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff May 16, 2002.

May 20, 2002

Acceptance of Service of Opinion and Order dated May 14, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 17, 2002.

CLOSED

June 18, 2002

Testimony of hearing held May 20, 2002 filed

June 18, 2002

Copy of testimony of hearing held May 20, 2002 forwarded to attorney for Defendant. **Plaintiff's Findings of Fact, etc. due July 19, 2002.**

July 1, 2002

Acceptance of Service of testimony of hearing held May 20, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 24, 2002.

July 19, 2002

Proposed Findings of Fact, Conclusions of Law and Claimants' Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Defendant's Findings of Fact, etc. due August 19, 2002.**

August 20, 2002

Proposed Findings of Fact, Conclusions of Law and Brief in Support filed (via fax) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 22, 2002

Proposed Findings of Fact, Conclusions of Law and Brief in Support filed (via U.S. Mail) by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 8, 2002

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of November, 2002, an award is hereby entered in favor of the Plaintiffs, Harry R. Guardasoni and Elizabeth E. Guardasoni, in the amount of One Hundred Ninety-Five Thousand Dollars (\$195,000.00) with interest at the statutory rate of six percent (6%) per annum from November 7, 1994. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting this matter be marked closed, discontinued and ended with prejudice. Each party to bear their own costs and attorneys' fees."

Copy forwarded to attorney for Plaintiff, attorneys for Defendant and Chief Deputy Attorney General.

CLOSED

Acceptance of Service of Final Opinion and Order dated November 14, 2002 received from attorney for Defendant (Charles Laws, Esquire). Receipt of same acknowledged by attorney for Defendant November 13, 2002.

November 14, 2002

Acceptance of Service of Final Opinion and Order dated November 8, 2002 received from attorney for Defendant (Robert D. Leidigh, Esquire). Receipt of same acknowledged by attorney for Defendant November 12, 2002.

November 14, 2002

Acceptance of Service of Final Opinion and Order dated November 8, 2002 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 13, 2002.

November 15, 2002

Acceptance of Service of Final Opinion and Order dated November 8, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 12, 2002.

December 9, 2002

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff.

December 10, 2002

Petition for Review received from Commonwealth Court. (No. 2827 C.D. 2002)

December 16, 2002

Amended Certificate of Service filed by attorney for Defendant.

December 19, 2002

File transmitted to Commonwealth Court.

June 19, 2003

Commonwealth Court issued Opinion and Order. Order as follows: "AND NOW, this 18th day of June, 2003, the order of the Board of Claims is hereby affirmed."

July 23, 2003

Supreme Court of Pennsylvania filed a notice of petition for Allowance of Appeal. (Supreme Court Docket No. 346 WAL 2003)

December 29, 2003

Supreme Court Denied Petition for Allowance of Appeal December 9, 2003. (346 WAL 2003)

January 6, 2004

Commonwealth Court returned file.

CLOSED