

Docket Number: 1945

WILLIG, WILLIAMS & DAVIDSON

Peter Leyh, Esquire

VS.

**CLOSED**

COMMONWEALTH OF PENNSYLVANIA  
SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA  
Carleton O. Strouss, Esquire

**June 8, 1995**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$312,723.63

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**June 23, 1995**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT July 23, 1995.

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**June 27, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable J. Dole Cowman). Receipt of same acknowledged by Defendant June 26, 1995.

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**CLOSED**

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Acceptance of Service of Claim received from Defendant (The Honorable Robert C. Jubelirer). Receipt of same acknowledged by Defendant June 26, 1995.

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**June 27, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable James J. Rhoades). Receipt of same acknowledged by Defendant June 26, 1995.

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**June 27, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable Clarence D. Bell). Receipt of same acknowledged by Defendant June 26, 1995.

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**June 27, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable Tim Shaffer). Receipt of same acknowledged by Defendant June 25, 1995.

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**June 27, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable John J. Shumaker). Receipt of same acknowledged by Defendant June 26, 1995.

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**June 28, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable Melissa A. Hart). Receipt of same acknowledged by Defendant June 27, 1995.

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**June 30, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable Robert M. Tomlinson). Receipt of same acknowledged by Defendant June 27, 1995.

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**June 30, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable F. Joseph Loeper). Receipt of same acknowledged by Defendant June 29, 1995.

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**June 30, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable Roger A. Radtke). Receipt of same acknowledged by Defendant June 27, 1995.

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**July 3, 1995**

Entry of Appearance of Kevin J. O'Mara, Esquire, Edwin A. Abrahamson, Esquire, Lawrence J. Morahan, Esquire and William P. Conboy, Esquire, filed on behalf of the Senate Democratic Caucus, et al. Copy forwarded to all parties of record by attorney for Defendant.

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**July 3, 1995**

Preliminary Objections filed by attorney for Defendant W. Russell Faber. Copy forwarded to all parties of record by attorney for Defendant.

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**July 5, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable Terry L. Punt). Receipt of same acknowledged by Defendant July 3, 1995.

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**July 10, 1995**

Acceptance of Service of Claim received from Defendant (The Honorable Stewart J. Greenleaf). Receipt of same acknowledged by Defendant June 29, 1995.

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**July 13, 1995**

Answer of Respondents, Senate Democratic Caucus, Collectively and Individually, Senator Robert J. Mellow, Senator Leonard J. Bodack, Senator Roy c. Afflerbach, Senator Anthony B. Andrezeski, Senator Albert V. Belan, Senator Michael M. Dawida, Senator Vincent J. Fumo, Senator Roxanne H. Jones, Senator Gerald J. LaValle, Senator Raphael J. Musto, Senator Michael A. O'Pake, Senator Eugene E. Porterfield, Senator Allyson Y. Schwartz, Senator Patrick J. Stapleton, Senator William J. Stewart, Senator J. Barry Stout, and Senator Hardy Williams, to Claimant's Claim Petition filed by attorney for Defendants. Copy forwarded to all parties of record by attorney for Defendant.

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**CLOSED**  
July 13, 1995  
Preliminary Objections of Senator Vincent J. Hughes, Senator Richard A. Kasunic, Senator Christine M. Martagione and Senator Jack Wagner to Claim Petition filed by attorney for Defendants. Copy forwarded to all parties of record by attorney for Defendants.

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**July 11, 1995**

Entry of Appearance of Carleton O. Strouss and his firm Kirkpatrick & Lockhart filed on behalf of the Senate Republican Caucus.

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**July 24, 1995**

Claimant's Answer to the Preliminary Objections of W. Russell Faber filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**July 26, 1995**

Preliminary Objections of the Senate of the General Assembly of Pennsylvania, The Senate Republican Caucus, and the Individual Republican Senators filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**August 15, 1995**

Respondent, W. Russell Faber, Chief Clerk of the Senate of the General Assembly of Pennsylvania's Brief in Support of Preliminary Objections filed by attorney for Additional Defendant, W. Russell Faber. Copy forwarded to all parties of record by attorney for Additional Defendant, W. Russell Faber.

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**August 15, 1995**

Brief in Support of Preliminary Objections of the Senate, the Senate Republican Caucus, and the Individual Republican Senators to Claim filed by attorney for Additional Defendant, the Senate Republican Caucus. Copy forwarded to all parties of record by attorney for Additional Defendant, the Senate Republican Caucus.

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**August 17, 1995**

Brief in Support of Preliminary Objections of Senator Vincent J. Hughes, Senator Richard A. Kasunic, Senator Christine M. Tartaglione and Senate Jack Wagner to Claim Petition filed by attorney for Defendant. Copy forwarded to all parties of record by attorney for Defendant.

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**CLOSED**

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**September 5, 1995**

Claimant's Memorandum of Law in Opposition to the Preliminary Objections of W. Russell Faber filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

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**September 5, 1995**

Claimant's Memorandum of Law in Opposition to the Preliminary Objections of the Democratic Senators Hughes, Kasunic, Tartaglione and Wagner filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

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**September 5, 1995**

Claimant's Memorandum of Law in Opposition to the Preliminary Objections of the Senate, the Senate Republican Caucus and the Individual Republican Senators filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

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**September 29, 1995**

Respondent, W. Russell Faber, Chief Clerk of the Senate of the General Assembly of Pennsylvania's Reply Brief in Support of Preliminary Objections filed by attorney for W. Russell Faber. Copy forwarded to all parties of record by attorney for W. Russell Faber.

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**November 29, 1995**

Supplemental Memorandum in Support of Preliminary Objections of the Senate, the Republican Caucus and the Individual Republican Senators filed by attorney for the Senate Republican Caucus. Copy forwarded to all parties of record by attorney for Senate Republic Caucus.

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November 29, 1995

Order rendered in Commonwealth Court as follows: "**AND NOW**, this 22nd day of November, 1995, the preliminary objections to this court's jurisdiction filed by the Senate of the General Assembly of the Commonwealth of Pennsylvania is granted. The remaining preliminary objections and motion to dismiss are denied as moot. Count I of the petition for review is hereby transferred to the Board of Claims. Count II is dismissed."

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December 6, 1995

Claimant's Supplemental Memorandum of Law in Opposition to the Petition of the Senate, The Senate Republican Caucus and the Individual Republican Senators filed by attorney for Plaintiff. Copy forwarded to all parties of record by attorney for Plaintiff.

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December 22, 1995

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 22nd day of December, 1995, after review of the Statement of Claim, the Preliminary Objections, the Briefs and other submissions in the present case, it is hereby **ORDERED** that W. Russell Faber, Chief Clerk of the Senate of the General Assembly of Pennsylvania, The Senate Republican Caucus, the Senate Democratic Caucus, and each individual Senator named in Claimant's, Willig, Williams & Davidson, Statement of Claim are **DISMISSED** as parties to this action and the caption of the case docketed to Board of Claims, Docket No. 1945 hereafter shall read as follows: "**WILLIG, WILLIAMS & DAVIDSON, Claimant VS. COMMONWEALTH OF PENNSYLVANIA, SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA**" Respondent.

Each objection of Respondents' Preliminary Objections which has not been addressed herein, is hereby **DENIED**. Also, the Senate Democratic Caucus has filed an Answer to the Statement of Claim admitting all relevant allegations of Claimant's Statement of Claim.

The Board of Claims determines that such Answer is not relevant nor of any moment in the instant case and such Answer hereby is **STRICKEN** from the record. Further, Respondent, Senate of

December 22, 1995 (Continued)

the General Assembly of the Commonwealth of Pennsylvania, is hereby **ORDERED** to file an Answer or other response to Claimant's Statement of Claim within thirty (30) days from the exit date of this Order." Copy forwarded to all counselors of record.

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**December 27, 1995**

Acceptance of Service of Opinion and Order dated December 22, 1995 received from Defendant (Carleton O. Strouss, Esquire). Receipt of same acknowledged by Defendant December 26, 1995.

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**December 28, 1995**

Acceptance of Service of Opinion and Order dated December 22, 1995 received from Defendant (Paula J. McDermott, Esquire). Receipt of same acknowledged by Defendant December 26, 1995.

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**December 28, 1995**

Acceptance of Service of Opinion and Order dated December 22, 1995 received from Plaintiff (Peter J. Leyh, Esquire). Receipt of same acknowledged by Plaintiff December 26, 1995.

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**January 10, 1996**

Acceptance of Service of Opinion and Order dated December 22, 1995 received from Defendant (Edwin A. Abrahamsen, Esquire). Receipt of same acknowledged by Defendant December 27, 1995.

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**January 19, 1996**

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

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**January 29, 1996**

Acceptance of Service of Opinion and Order dated December 22, 1995 received from Defendant. Receipt of same acknowledged by Defendant December 26, 1995.

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**February 7, 1996**

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

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**February 13, 1996**

Copy of documents which were filed in Commonwealth Court by Plaintiff and Defendant as follows: Petition for Review in the Nature of a Complaint for Declaratory Judgment; Preliminary Objections; Praecipe for Entry of Appearance; Entry of Appearance; Answer of Respondents, Senate Democratic Caucus to Petition for Review; Motion to Dismiss of Respondents, Senator Vincent J. Hughes, Senator Richard A. Kasunic, Senator Christine M. Tartaglione and Senator Jack Wagner to Petitioner's Petition for Review in the Nature of a Complaint for Declaratory Judgment; Petitioner's Answer to the Preliminary Objections of W. Russell Faber; Preliminary Objections of Senate of the General Assembly of Pennsylvania, the Senate Republican Caucus, and the Individual Republic Senators to Petition for Review in the Nature of a Complaint for Declaratory Judgment; Petitioner's Preliminary Objections to the Preliminary Objections of the Republican Senators Delp, Gerlach, Tomlinson and Uliana; Petitioner's Preliminary Objections to the Motion to Dismiss of Democratic Senators Hughes, Kasunic, Tartaglione and Wagner; Petitioner's Answer to the Preliminary Objections of the Senate of the General Assembly of Pennsylvania, the Senate Republican Caucus, and the Individual Republican Senators; Answer of Republican Senators Delp, Gerlach, Tomlinson & Uliana to Petitioner's Preliminary Objections of Republican Senators Delp, Gerlach, Tomlinson & Uliana; Petitioner's Memorandum of Law in Opposition to the Preliminary Objections of the Senate, the Senate Republican Caucus and the Individual Republican Senators and in Support of Petitioner's Preliminary Objections to the Preliminary Objection of Republican Senators Delp, Gerlach, Tomlinson and Uliana; Petitioner's Memorandum of Law in Support of its Preliminary Objection to the Motion to Dismiss of Democratic Senators Hughes, Tartaglione and Wagner; Answer of Respondents, Senator Vincent J. Hughes, Senator Richard A. Kasunic, Senator Christine M. Tartaglione, and Senator Jack Wagner, to Petitioner's Preliminary Objections; Respondent W. Russell Faber, Chief Clerk of the Senate of the General Assembly of Pennsylvania's Reply Brief to the Memorandum of Law of Petitioner; Brief of the Senate, The Senate Republican Caucus and the Individual Republican Senators to Petitioner's Memorandum of Law in Opposition to the Preliminary Objections of the Senate, The Senate Republican Caucus and the Individual Republican Senators and in Opposition to Petitioner's Preliminary Objection to the Preliminary Objection of Republican Senators Delp, Gerlach, Tomlinson and Uliana; Brief of Respondents, Senator Vincent J. Hughes, Senator Richard A. Kasunic, Senator Christine M. Tartaglione and Senator Jack Wagner in Opposition to Petitioner's Preliminary Objections and Brief in Support of Preliminary Objections of Senate of General Assembly of Pennsylvania, The Republican Caucus and the Individual Republican Senators to Petition for Review in the Nature



of a Complaint for Declaratory Judgment received from Commonwealth Court.

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**February 15, 1996**

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

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**July 5, 1996**

Motion to Quash Subpoena filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 9, 1996**

Joint Motion requesting Approval of Settlement and Discontinuance of Action filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 8, 1996**

**CLOSED**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of January, 1997, a Rule to Show Cause is issued upon Plaintiff, Willig, Williams and Davidson, wherein it is **DIRECTED** that Plaintiff advise the Board within thirty (30) days of this Order whether or not Plaintiff has received the sum of money awarded 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 and attorney for Defendant.

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**August 23, 1996**

Acceptance of Service of Opinion and Order dated August 14, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 20, 1996.

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**January 13, 1997**

Acceptance of Service of Opinion and Order dated January 8, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 10, 1997.

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**January 21, 1997**

Acceptance of Service of Opinion and Order dated January 8, 1997 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 15, 1997.

**January 21, 1997**

Praeipie to Settle and End filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**February 10, 1997**

The Board rendered the following Order: **"AND NOW**, this 3rd day of February, 1997, upon receipt of a Praeipie over the signature of Howard J. Kaufman, Esquire, counsel on behalf of Plaintiff, Willig, Williams & Davidson, which states: "Kindly mark the above action settled and ended, with prejudice." same of which was filed with the Board under date of January 21, 1997, it is **ORDERED** and **DIRECTED** that said case be marked "settled, discontinued and ended with prejudice."

**February 13, 1997**

Acceptance of Service of Opinion and Order dated February 10, 1997 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 23, 1997.

**CLOSED**