

Docket Number: 1982

JETSON DIRECT MAIL SERVICES, INC.

Alvin B. Marshall, Esquire  
Mark Semanchik, Esquire

VS.  
**CLOSED**  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR & INDUSTRY,  
STATE WORKERS' INSURANCE FUND

~~\*\*J. Matthew Wolfe, Chief Counsel~~  
~~Thomas J. Kuzma, Assistant Counsel~~  
~~James D. Jordan, Assistant Counsel~~  
\*G. Richard Gold, Esquire  
Todd P. Prugar, Esquire

**September 5, 1995**

Complaint and filing fee filed by attorney for Plaintiff. Amount of Claim: \$2,000,000.00+.

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**September 25, 1995**

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

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**September 27, 1995**

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged for Defendant September 26, 1995.

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**CLOSED**

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Preliminary Objections of Respondent State Workmen's Insurance Fund filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 30, 1995**

Request for Admissions Addressed to the Claimant (Set I) filed by attorney for Plaintiff. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 29, 1995**

Claimant's Answers to Request for Admissions (Set I) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**December 11, 1995**

Brief in Support of the Preliminary Objections of Respondent State Workmen's Insurance Fund filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**January 18, 1996**

Proposed Order as well as Petition for Leave to Amend Complaint in Accordance with Rule 1033 of the Pennsylvania Rules of Civil Procedure filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**January 29, 1996**

Proposed Order as well as Claimant's Response to Preliminary Objections as to the Legal Insufficiency of a Demand of Consequential Damages and Claimant's Brief Contra Preliminary Objections with Regard to Consequential Damages filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

**February 22, 1996**

The Board rendered an Opinion and made the following Order: "AND NOW, this 22nd day of February, 1996, upon consideration of Jetson Direct Mail Services, Inc.'s Petition for Leave to Amend the Complaint, it is hereby ORDERED, ADJUDGED, AND DECREED that Jetson Direct Mail Services, Inc.'s Petition for Leave to Amend the Complaint is granted and is hereby given ten (10) days to file its Amended Complaint. It is further ORDERED that Defendant's Preliminary Objections are hereby rendered M.T." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

Acceptance of Service of Opinion and Order dated February 22, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 26, 1996.

**February 27, 1996**

Amended Complaint filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Amount of Claim: Unchanged.

**March 4, 1996**

Acceptance of Service of Opinion and Order dated February 22, 1996, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 4, 1996.

**March 15, 1996**

Acceptance of Service forwarded to attorney for Defendant to acknowledge receipt of Amended Complaint. Response due from Defendant April 15, 1996.

**March 15, 1996**

Copy of Amended Complaint forwarded to Chief Deputy Attorney General.

**March 19, 1996**

Acceptance of Service of Amended Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 19, 1996.

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**April 15, 1996**

Preliminary Objection of Respondent State Workmen's Insurance Fund filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 14, 1996**

Petitioner's Brief in Support of its Preliminary Objection to the Amended Complaint filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 14, 1997**

Letter forwarded to parties requesting status report. Status report due from parties 6/4/97.

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**June 4, 1997**

Proposed Order as well as Claimant's Response to Preliminary Objections as to the Legal Insufficiency of a Demand for Consequential Damages and Brief in Support thereof filed by attorney for Plaintiff, via Fax. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**June 5, 1997**

Proposed Order as well as Claimant's Response to Preliminary Objections as to the Legal Insufficiency of a Demand for Consequential Damages and Brief in Support thereof filed by attorney for Plaintiff, via mail. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**\*June 16, 1997**

Praecipe for Withdrawal of Thomas J. Kuzman, Assistant Counsel and Substitution of Appearance of James D. Jordan, Assistant Counsel, attorney for Defendant, filed. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**September 25, 1997**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of September, 1997, the Preliminary Objections as filed by Defendant, Commonwealth of Pennsylvania, Department of Labor & Industry, State Workers' Insurance Fund, to the Amended Complaint is **DENIED**. The Defendant is given thirty (30) days from the exit date of this Order to file appropriate pleadings." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**October 6, 1997**

Acceptance of Service of Opinion and Order dated September 25, 1997, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 29, 1997.

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**October 23, 1997**

Letter received from attorney for Defendant requesting an extension of time until 1/14/98 to file a response to the Amended Complaint. Same granted 10/21/97.

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**\*October 23, 1997**

Notice of Appearance of G. Richard Gold, Esquire and Timothy J. Nieman, Esquire, attorneys for Defendant. Copy forwarded to attorney for Plaintiff by attorneys for Defendant.

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**November 14, 1997**

Answer, New Matter and Counterclaim filed by attorneys for Defendant. Copy forwarded to attorneys for Plaintiff by attorneys for Defendant.

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**\*\*December 8, 1997**

Withdrawal of Appearance of Elaine Lytle Mead, Esquire, James D. Jordan, Esquire and Thomas J. Kuzma, Esquire filed on behalf of Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**February 18, 1998**

Status letter forwarded to the parties.

**Response due 3/18/98.**

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**March 19, 1998**

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

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**March 23, 1998**

Letter forwarded to the parties directing them to proceed with discovery.

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**September 23, 1998**

Letter forwarded to the parties requesting a status report.  
**Response due 10/23/98.**

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**October 23, 1998**

Letter received from attorney for Defendant advising that Plaintiff has not yet initiated discovery.

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**October 28, 1998**

Letter received from attorney for Plaintiff advising that they have completed discovery drafts.

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**March 8, 1999**

Notice of Service of Defendant's Interrogatories Directed to Plaintiff and Request for Production of Documents filed by attorney for Defendant.

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**June 16, 1999**

Motion to Compel and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**July 19, 1999**

Notice of Service of Responses to Interrogatories and Request for Production of Documents, as well as Notice of Service of Claimant's Interrogatories and Request for Production of Documents, filed by attorney for Plaintiff.

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**July 21, 1999**

Notice of Service of Responses to Interrogatory Nos. 40 and 41 filed by attorney for Plaintiff.

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**July 26, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 26th day of July, 1999, it is **ORDERED** and **DECREED** that the Motion to Compel, as filed by Defendant, is hereby **DISMISSED** as being **MOOT**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**July 29, 1999**

Acceptance of Service of Opinion and Order dated July 26, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 27, 1999.

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**August 10, 1999**

Motion to Compel More Specific Answers to Interrogatories, Brief in Support of Motion to Compel More Specific Answers to Interrogatories and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**August 11, 1999**

Acceptance of Service of Opinion and Order dated July 26, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 29, 1999.

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**September 14, 1999**

Response to Motion to Compel More Specific Answers to Interrogatories and Brief Contra Motion to Compel More Specific Answers to Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**October 5, 1999**

Reply to Response and Brief Contra to Motion to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**November 12, 1999**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 12th day of November, 1999, it is hereby **ORDERED** and **DECREED** that Defendant's Motion to Compel More Specific Answers to Interrogatories is hereby **GRANTED**. Plaintiff shall have twenty (20) days from the exit date of this Order to supply more specific answers to Defendant's Interrogatories. Upon failure of Plaintiff to comply with this Order, sanctions will be ordered." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**November 17, 1999**

Acceptance of Service of Opinion and Order dated November 12, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 11, 1999.

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**December 6, 1999**

Acceptance of Service of Opinion and Order dated November 12, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 15, 1999.

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**December 6, 1999**

Notice of Service of Supplemental Responses to Interrogatories Directed to Claimant, filed by attorney for Plaintiff.

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**January 27, 2000**

Motion for Sanctions and to Compel, Brief in Support of Motion for Sanctions and to Compel as well as Proposed Order filed by attorneys for Defendant. Copy forwarded to attorney for Plaintiff. attorney for Defendant. **Pltf's response Brief due 2/2/00.**

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**February 29, 2000**

Response to Motion for Sanctions and to Compel and Brief Contra Motion for Sanctions and to Compel filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

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**March 1, 2000**

Reply to Brief Contra to Motion for Sanctions and to Compel filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**May 18, 2000**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 18th day of May, 2000, it is hereby **ORDERED, ADJUDGED, and DECREED** that Defendant's Motion for Sanctions and to Compel is **GRANTED**. Plaintiff is **ORDERED** to pay Defendant Two Hundred Fifty Dollars (\$250.00). Payment shall be suspended if Plaintiff provides answers to interrogatories as the following directs. Plaintiff shall provide full and complete answers to interrogatories 11, 13, 15, 17, 19, 21, 23, 25, and 27 within ninety (90) days of the exit date of this order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**May 23, 2000**

Acceptance of Service of Opinion and Order dated May 18, 2000 received from attorneys for Plaintiff. Receipt of same acknowledged by attorneys for Plaintiff May 19, 2000.

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**May 24, 2000**

Acceptance of Service of Opinion and Order dated May 18, 2000 received from attorneys for Defendant. Receipt of same acknowledged by attorneys for Defendant May 22, 2000.

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**August 21, 2000**

Motion to Dismiss As Sanction for Discovery Violations, Brief in Support of Motion to Dismiss as Sanction for Discovery Violation and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**October 13, 2000**

Notice of Service of Plaintiff's Supplemental Response to Interrogatories and Response to Motion for Sanctions and Notice that Plaintiff gave Defendant a check for \$2,000 per Board's Order of May 1, 2000, filed by attorney for Plaintiff, *la facsimile*.

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**November 21, 2000**

Motion to Strike Notice of Service, Brief in Support of Motion to Strike Notice of Service and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

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**December 6, 2000**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 6th day of December, 2000, it is **ORDERED** and **DECREED** that the Defendant's, Commonwealth of Pennsylvania, Department of Labor & Industry, State Workers' Insurance Fund, Motion to Dismiss As Sanction for Discovery Violations, is **GRANTED**. The Complaint filed by Plaintiff, Jetson Direct Mail Services, Inc., shall be marked as **DISMISSED** with prejudice. Defendant's Motion to Strike Notice of Service is also **GRANTED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

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**December 12, 2000**

Acceptance of Service of Opinion and Order dated December 6, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 11, 2000.

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**December 18, 2000**

Acceptance of Service of Opinion and Order dated December 6, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 9, 2000.

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**January 8, 2001**

Copy of Petition for Review, as filed in Commonwealth Court, received from attorney for Plaintiff.

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**January 9, 2001**

Petition for Review received from Commonwealth Court.  
{No. 40 C.D. 2001}.

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**January 12, 2001**

File Transmitted to Commonwealth Court.

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**December 26, 2001**

Order rendered in Commonwealth Court as follows: "NOW, August 3, 2001, the order of the Board of Claims in the above-captioned matter is hereby affirmed."

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**June 4, 2002**

Order rendered in Supreme Court. Order as follows: "**AND NOW**, this 9th day of April, 2002, the Petition for Allowance of Appeal is DENIED."

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**June 4, 2002**

Application for Reconsideration denied May 17, 2002. (No. 977 MAL 2001)

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**June 4, 2002**

File returned from Commonwealth Court.

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**CLOSED**