

Docket Number: 2087

FLEMING, WYSE & STILLEY

Kenneth W. Lee, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
STATE WORKMEN'S INSURANCE FUND

James F. Pearn, Jr.
Managing Attorney

March 13, 1996

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$164,917.00+.

March 19, 1996

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 4/18/96.

March 22, 1996

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 22, 1996.

March 29, 1996

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General March 20, 1996.

April 18, 1996

Answer and New Matter of Defendant, State Workmen's Insurance Fund, filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 22, 1996

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

July 7, 1997

Praecipe to Enter Appearance of Kenneth W. Lee filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 7, 1997

Plaintiff's letter advising that this case could be heard by a Panel in October or November of 1997.

July 14, 1997

Notice of Service of Plaintiff's Discovery Requests filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 20, 1997

Eastern Panel hearing scheduled for November 18, 19, and 20, 1997 in Board's Courtroom No. 2, 6th Floor, Fulton Bank Building, Harrisburg, PA to commence at 9:30 a.m.

October 14, 1997

Letter received from attorney for Plaintiff advising that as per a phone conversation with Mr. McLaughlin, the parties were given until November 1, 1997 to file Pre-Trial Statements.

October 16, 1997

Letter received from attorney for Plaintiff confirming their telephone conversation with Mr. McLaughlin granting them until November 1, 1997 to file their Pre-Trial Statements.

November 5, 1997

Motion to Compel Plaintiff Fleming, Wyse & Stilley to comply with the Discovery, Requests of Defendant State Workers' Insurance Fund, Brief of Defendant, State Workers' Insurance Fund, in support of its Motion to Compel and Proposed Order filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 6, 1997

Notice of Appearance of James F. Pearn, Jr., Esquire filed on behalf of Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 13, 1997

The Board rendered an Opinion and made the following Order: **AND NOW**, this 13th day of November, 1997, it is **ORDERED** and **DECREED** that the Motion to Compel, as filed by the Defendant on November 5, 1997, is hereby **DENIED**. It is further ordered and decreed that counsel for the Defendant may raise any objections stemming from this Order before the Panel which is to hear the matter. Copy forwarded to attorney for Plaintiff and Defendant.

November 14, 1997

Pretrial Statement of Fleming, Wyse & Stilley filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 17, 1997

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

November 24, 1997

Acceptance of Service of Opinion and Order dated November 13, 1997.
Receipt of same received from attorney for Defendant November 20, 1997.

November 26, 1997

Acceptance of Service of Opinion and Order dated November 13, 1997.
Receipt of same received from attorney for Plaintiff November 18, 1997.

December 17, 1997

Testimony filed.

December 31, 1997

Letter forwarded to Plaintiff directing them to file Plaintiff's Findings of Fact and Conclusions of Law, and Brief in Support, thereof, within thirty(30) days. Plaintiff due January 30, 1998, and Defendant's due February 26, 1998.

December 31, 1997

Copy of testimony forwarded to Defendant for hearing held November 18, and 19, 1997.

January 20, 1998

Acceptance of Service of testimony received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 1, 1998.

January 29, 1998

Plaintiff's Motion to Correct the Record filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 30, 1998

Plaintiff's Proposed Findings of Fact and Conclusions of Law and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 4, 1998

Letter received from attorney for Plaintiff advising the Board of several corrections to Plaintiff's Proposed Findings of Fact and Conclusions of Law and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 2, 1998

Proposed Findings of Fact and Conclusions of Law of Defendant, Commonwealth of Pennsylvania, State Workers' Insurance Fund and Brief 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.

March 16, 1998

Plaintiff's Reply Brief to Defendant's Brief in Support of Defendant's Proposed Findings of Fact and Conclusions of Law; Plaintiff's Supplemental Proposed Findings of Fact and Conclusions of Law and Plaintiff's Brief in Support of Plaintiff's Supplemental Proposed Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 3, 1998

Panel Report filed.

September 2, 1999

Praecipe for Substitution of Counsel filed by attorney for Plaintiff. Entering Kenneth W. Lee, Esquire, and Reager & Adler, P.C. and withdrawing the appearance of Plowman, Spiegel & Lewis, P.C. as counsel for the Plaintiff.

October 26, 1999

This matter was called to hearing before the Eastern Panel, composed of Mr. Richard B. Swartz, Attorney Member, and Mr. Howard G. Minckler, P.E., Engineer Member. The Panel Report has been submitted and reviewed. The Board rendered an Opinion and made the following Order: **AND NOW**, this 26th day of October, 1999, it is hereby **ORDERED** and **DECREED** that the Defendant, Commonwealth of Pennsylvania, State Workers' Insurance Fund, is indebted to the Plaintiff, Fleming, Wyse and Stilley in the amount of One Hundred Sixty-Four Thousand, Nine Hundred Seventeen Dollars (\$164,917.00) with interest at the legal rate of interest of 6% per annum from the date Plaintiff filed its Claim with the Board. Each party to bear its own costs and attorney fees. Upon receipt of said award, Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that this matter be closed, discontinued and ended with prejudice. Copies forwarded to attorney for Plaintiff and Defendant as well as Chief Deputy Attorney General.

CLOSED
October 29, 1999
Acceptance of Service of Opinion and Order dated October 26, 1999 filed by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 27, 1999.

November 1, 1999

Acceptance of Service of Opinion and Order dated November 1, 1999 filed by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General October 27, 1999.

January 13, 2000

Praecipe to Satisfy Award and to Discontinue Action filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 29, 2000

The Board made the following Order: **AND NOW**, this 29th day of February, 2000, upon receipt of a Praecipe to Satisfy Award and Discontinue Action, requesting the Board to "please satisfy the award and discontinue the above-captioned matter with prejudice and mark the docket accordingly...", executed by, Kenneth W. Lee, attorney for Plaintiff, Fleming, Wyse & Stilley and docketed with this Board under date of January 13, 2000, it is **ORDERED** and **DIRECTED** that said case be marked "settled, discontinued, and ended with prejudice. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

March 8, 2000

Acceptance of Service of Order dated February 29, 2000 received from attorney or Plaintiff. Receipt of same acknowledged by attorney for Plaintiff March 8, 2000.

March 9, 2000

Acceptance of Service of Order dated February 29, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant March 7, 2000.

CLOSED