

Docket Number: 2300

DENNIS M. CASEY  
t/d/b/a DENNIS M. CASEY COMPANY

~~Brian Samuel Malkin, Esquire~~  
~~Jonathan E. Jones, Esquire~~  
~~C. Grainger Bowman, Esquire~~  
~~(Kenneth D. Perkins, Esquire - Cmwlth Ct. Atty)~~  
~~S.~~

**CLOSED**

~~COMMONWEALTH OF PENNSYLVANIA~~  
~~PENNSYLVANIA TURNPIKE COMMISSION~~

~~William A. Chestnutt, Chief Counsel~~  
~~Alphonse P. Lepore, Jr., Assistant Chief Counsel~~  
~~Mark H. Koch, Assistant Counsel I~~

**December 10, 1996**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$229,000.00+.

---

**December 23, 1996**

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 1/22/97.**

---

**December 27, 1996**

Acceptance of Service of Complaint received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General December 23, 1996.

---

**CLOSED**

---

January 17, 1997  
Answer and New Matter and Counterclaim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **REPLY DUE FROM PLAINTIFF. 2/2/97**  
January 27, 1997

---

Acceptance of Service of Complaint received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant January 6, 1997.

---

**February 24, 1997**

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

---

**August 25, 1997**

Letter forwarded to parties requesting a status report. **STATUS REPORT DUE ON OR BEFORE SEPTEMBER 24, 1997.**

---

**September 2, 1997**

Letter/Status Report received from Defendant advising that they are finalizing discovery; however, if the Board would like to schedule the matter for trial now, they will be ready for same.

---

**December 3, 1997**

Letter/Status Report received from Defendant advising that since Plaintiff never provided an Order from the Bankruptcy Court which supposedly stayed all proceedings, Defendant requests that the matter be set for trial.

---

**\*March 31, 1998**

Panel hearing (Giles & Kambic) scheduled for July 14, 15 & 16, 1998 in Board's Courtroom No. 2, 6th Floor, Fulton Building, 200 North Third Street, Harrisburg, PA, commencing at 9:30 a.m.

---

**April 30, 1998**

Letter/Request for Extension of Time to file Pre-Trial Statement filed by Plaintiff.

---

**April 30, 1998**

Letter forwarded to parties granting Plaintiff's request for an extension of time of 30 days in which to file its Pre-Trial Statement.

---

**April 30, 1998**

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

---

**June 2, 1998**

Letter received from attorney for Defendant evidencing his agreement to extend to Plaintiff the date of filing of Plaintiff's Pre-Trial Statement to June 8, 1998.

---

**June 5, 1998**

Motion to Withdraw Appearance of Counsel (of Jonathan E. Jones, Esquire and Ogg, Jones, Cordes & Ignelzi, L.L.P.) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**June 25, 1998**

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 25th day of June, 1998, it is **ORDERED** and **DECREED** that the Motion to Withdraw as Counsel of Record is hereby **GRANTED**." Copies forwarded to attorney for Plaintiff and attorney for Defendant and attorney C. Grainger Bowman.

---

**June 30, 1998**

Acceptance of Service of Opinion and Order dated June 25, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 29, 1998.

---

**July 2, 1998**

Acceptance of Service of Opinion and Order dated June 25, 1998 received from C. Grainger Bowman, Esquire. Receipt of same acknowledged by C. Grainger Bowman, Esquire July 1, 1998.

---

**July 2, 1998**

Entry of Appearance of C. Grainger, Esquire, on behalf of Plaintiff, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**July 2, 1998**

Acceptance of Service of Opinion and Order dated June 25, 1998 received from prior attorney of record for Plaintiff (Jonathan E. Jones, Esquire). Receipt of same acknowledged by prior attorney of record for Plaintiff June 29, 1998.

---

**\*July 2, 1998**

Panel Hearing originally scheduled for July 14, 15 and 16, 1998 continued and is now **rescheduled** for October 1 and 2, 1998, to commence at 9:30 a.m. in Board's Courtroom No. 2. (Giles and Kambic remain the Panel Members).

---

**September 21, 1998**

Plaintiff Dennis M. Casey's Pre-Hearing Memorandum filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**September 22, 1998**

Plaintiff Dennis M. Casey's Pre-Trial Statement (First Revision) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**October 1, 1998**

Panel Hearing (Giles & Kambic) held this date in Board's Courtroom No. 2, 6th Floor, Fulton Building, Harrisburg, PA. Case Completed.

---

**October 29, 1998**

Testimony of Panel Hearing held October 1, 1998 filed.

---

**November 4, 1998**

Copy of testimony of Panel Hearing held October 1, 1998 forwarded to attorney for Defendant.

---

**November 12, 1998**

Acceptance of Service of Testimony of hearing held October 1, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 6, 1998.

---

**December 7, 1998**

Letter received from attorney for Plaintiff requesting an additional 30 days in which to file Plaintiff's Findings of Fact, Conclusions of Law and Brief. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**December 9, 1998**

Letter forwarded to attorney for Plaintiff, with copy to attorney for Defendant granting Plaintiff's request for an additional thirty (30) days to file its Findings of Fact, Conclusions of Law and Brief. Same now due on or before January 4, 1999.

---

**January 4, 1999**

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

---

**February 3, 1999**

Defendant's Proposed Findings of Fact, Conclusions of Law and Pennsylvania Turnpike Commission, Memorandum of Law in Support of Proposed Findings of Fact and Conclusions of Law filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**March 1, 1999**

Claimant's Proposed Findings of Fact on PTC's Challenge to Jurisdiction, Claimant's Proposed Conclusions of Law on PTC's Challenge to Jurisdiction, as well as Dennis M. Casey's t/d/b/a Dennis M. Casey Company, Memorandum of Law on PTC's Jurisdictional Challenge to Casey's Statement of Claim filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

---

**March 16, 1999**

Report: Central District Panel of the Board of Claims filed by Messrs. Giles and Kambic.

---

**March 25, 1999**

Pennsylvania Turnpike Commission's Reply to Dennis M. Casey's Memorandum of Law on Pennsylvania Turnpike Commission's Jurisdictional Challenge to Casey's Statement of Claim filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

---

**June 28, 1999**

The Board rendered an Opinion and made the following Order: **AND NOW**, this 28th day of June, 1999, after hearing and review of the Briefs in this matter, the Plaintiff's, Dennis M. Casey t/d/b/a Dennis M. Casey Company, claim is hereby **DISMISSED** and **DENIED**. The Counterclaim of Defendant, Commonwealth of Pennsylvania, Pennsylvania Turnpike Commission, is also hereby **DISMISSED** and **DENIED**. Both parties are to pay their respective court costs and attorneys fees. Copy forwarded to attorney for Plaintiff attorney for Defendant and Chief Deputy Attorney General.

---

**June 30, 1999**

Acceptance of Service of Opinion and Order dated June 28, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 29, 1999.

---

**July 2, 1999**

Acceptance of Service of Opinion and Order dated June 28, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff June 30, 1999.

---

**July 6, 1999**

Acceptance of Service of Opinion and Order dated June 28, 1999 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General.

---

**September 1, 1999**

Copy of Petition for Review, as filed in Commonwealth Court, received from Plaintiff. {No. 0426 X.X. 1999}

---

**September 1, 1999**

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

---

**September 13, 1999**

Petition for Review received from Commonwealth Court. (No. 2325 C.D. 1999)

---

**September 14, 1999**

File transferred to Commonwealth Court.

---

**October 25, 1999**

Courtesy Copy of a Letter/Entry of Appearance of Kenneth D. Perkins, Esquire, on behalf of Plaintiff, as well as a request for a 30 day extension of time for Plaintiff to file its Brief and reproduced record, as filed in Commonwealth Court, received from attorney for Plaintiff.

---

**November 23, 1999**

Courtesy Copy of Motion in Opposition of Plaintiff to Withdrawal as filed in Commonwealth Court, filed by attorney for Defendant, via facsimile.

---

**December 30, 1999**

Courtesy copy of Appeal from Decision of Board of Claims, as filed in Commonwealth Court, filed by Plaintiff.

---

**January 14, 2000**

Courtesy Copy of Motion for Dismissal, as filed in Commonwealth Court, by attorney for Defendant, received from attorney for Defendant.

---

**April 11, 2000**

Order received from Commonwealth Court. Order as follows: "Now, February 14, 2000, Petitioner having failed to comply with the Order of Court dated December 29, 1999, the above actions is dismissed as of course."

---

**April 11, 2000**

File returned from Commonwealth Court.

---