

Docket Number: 2508

RICHARD C. SMITH

Joshua D. Lock, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

Sarah V. Vandenberg, Chief Counsel
Clifford D. Swift, Assistant Counsel

September 18, 1997

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$29,670.12+.

September 22, 1997

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT 10/22/97.**

September 26, 1997

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 24, 1997.

CLOSED

Proposed Order, Preliminary Objections, and Brief in Support thereof filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

Response due 12/1/97.

November 24, 1997

Claimant's Answer to the Preliminary Objections of the Pennsylvania Department of Corrections and Brief in Support thereof filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 13, 1998

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of April, 1998, after due consideration of the Claimant's Statement of Claim, the Respondent's Preliminary Objections and the various submissions of both parties, it is hereby **ORDERED** that the requests set forth in such Preliminary Objections are **DENIED**. Defendant is directed to file an Answer to Plaintiff's Complaint or file such other response as Respondent may deem appropriate within thirty (30) days from the exit date of this Order."

Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 15, 1998

Acceptance of Service of Opinion and Order dated April 13, 1998, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant (Not Dated).

May 13, 1998

Answer and New Matter filed by attorney for Defendant. Receipt of same acknowledged by attorney for Plaintiff by attorney for Defendant.

June 15, 1998

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

June 18, 1998

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

December 27, 1998

Letter forwarded to the parties requesting a status report.
Response due 1/21/99.

January 20, 1999

Status letter received from attorney for Plaintiff advising that the parties are in discovery.

January 22, 1999

Letter received from attorney for Defendant advising that no additional information has been received and further requesting that the Board set same for trial.

February 2, 1999

Hearing scheduled for April 13, 14 & 15, 1999, if necessary, before the Board of Claim's Hearing Panel composed of Richard B. Swartz, Esquire and Conrad E. Kambic, Engineer, in Board's Courtroom No. 2, 6th Floor, Fulton Bank Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. **Pre-Trial Statements due March 15, 1999.**

March 15, 1999

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

March 17, 1999

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

April 9, 1999

Hearing cancelled by verbal requesting of counsel for Defendant
advising that the parties have stipulated to settlement.

April 15, 1999

Stipulation and Proposed Order of the parties filed by attorney for
Defendant.

April 27, 1999

CLOSED
The Board rendered the following Order: "AND NOW, this 27th day
of April, 1999, the stipulation of the parties is accepted and
judgment is entered in favor of the Plaintiff, Richard C. Smith,
in the amount of Twenty Five Thousand Dollars (\$25,000.00). This
Order resolves all outstanding claims made by the Plaintiff in this
matter against the Defendant, Commonwealth of Pennsylvania,
Department of Corrections. Upon receipt of payment of said award,
Plaintiff shall forthwith file with the Board a Praecipe that the
case be marked settled and ended with prejudice." Copy forwarded
to attorney for Plaintiff and attorney for Defendant.

May 25, 1999

Claimant's Motion Requesting Enforcement of Judgment Entered and
for Sanctions filed by Plaintiff.

October 20, 1999

The Board rendered an Opinion and made the following Order: "AND
NOW, this 20th day of October, 1999, a Rule to Show Cause is directed
to counsel for Claimant, Richard C. Smith, to advise the Board of
the present status of this case. The Rule is returnable thirty (30)
days from the exit date of this Order. Failure to respond thereto
within the 30 days shall result in a dismissal with prejudice."
Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 10, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 10th day of December, 1999, this Order is issued as a result of the failure of Plaintiff, Richard C. Smith, to file with the Board of Claims, within thirty (30) days from October 20, 1999, a response to the Rule to Show Cause advising why this Claim should not be dismissed for failure to abide by the instructions of the Board of Claims. Therefore, it is **DIRECTED** that the Rule of October 20, 1999, be made **ABSOLUTE** and the record be marked 'closed and discontinued with prejudice'." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED