

Docket Number: 2657

~~*UNITED STATES OF AMERICA, ex rel.;~~
JULIA MANNARINO, RON TESKA, and SW COMMUNITY VENTURES, a
partnership organized under the laws of Pennsylvania,
Mrs. Julia Mannarino, Pro Se
~~Robert Brenner, Esquire~~
Allen J. Koslovsky, Esquire

VS.

~~WAYNE TOWNSHIP~~
~~(Kathryn L. Simpson, Esquire)~~
~~Gary Butler~~
~~JACKSON TOWNSHIP~~
~~(Harry J. Cancellmi, Esquire~~
~~RICES LANDING BOROUGH~~
~~(Dennis M. Makel, Esquire)~~

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
~~(Russell Bellavance, Chief Counsel)~~
George A. Michak, Assistant Counsel
Lori K. Irwin, Assistant Counsel
~~Nancy J. Kippenhan, Assistant Counsel~~
Charles Rees Brown, Esquire

***February 19, 1998**

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$50,000.00

February 23, 1998

Copies of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. **ANSWER DUE FROM DEFENDANT: March 25, 1998**

February 27, 1998

Acceptance of Service of Claim received from attorney for Defendant (Wayne Township). Receipt of same acknowledged by attorney for Defendant February 25, 1998.

March 2, 1998

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General February 24, 1998.

March 4, 1998

Acceptance of Service of Claim received from attorney for Defendant (Jackson Township). Receipt of same acknowledged by attorney for Defendant March 2, 1998.

March 25, 1998

Department of Community and Economic Development (Successor in Interest to the Commonwealth of Pennsylvania, Department of Community Affairs) as well as Brief in Support of Preliminary Objections filed by attorney for Defendant (Dept. of Community and Economic Affairs). Copy forwarded to all parties of record by attorney for Defendant (Dept. Of Community and Economic Development).

March 25, 1998

Entry of Appearance of George A. Michak, Esquire and Lori K. Irwin, Esquire, on behalf of Defendant (Dept. Of Community and Economic Development) filed by attorney for Defendant.

March 30, 1998

Defendant, Wayne Township Board of Supervisor=s, Preliminary Objections and Brief in Support thereof, filed by attorney for Defendant, Wayne Township Board of Supervisors.

***April 1, 1998**

Amended Claim filed by Plaintiff. Amount of Claim = Unspecified.

April 3, 1998

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 3rd day of April, 1998, it is **ORDERED** and **DECREED** that the Preliminary Objections filed by the aforementioned Defendants, are hereby **DISMISSED** as being **MOOT**. It is further **ORDERED** and **DECREED** that the Defendants herein shall file their response to the Amended Claim within thirty (30) days from the exit date of this Order.≡ Copies forwarded to all parties of record.

April 3, 1998

Copies of Amended Claim forwarded to attorneys for Defendant and Chief Deputy Attorney General.

April 8, 1998

Acceptance of Service of Amended Claim received from attorney for Defendant (Dept. of Community and Economic Development). Receipt of same acknowledged by attorney for Defendant April 7, 1998.

April 8, 1998

Acceptance of Service of Opinion and Order dated April 3, 1998 received from attorney for Defendant (Dept. of Community and Economic Development). Receipt of same acknowledged by attorney for Defendant April 7, 1998.

April 9, 1998

Acceptance of Service of Opinion and Order dated April 3, 1998 received from Plaintiff. Receipt of same acknowledged by Plaintiff April 6, 1998.

May 4, 1998

Acceptance of Service of Opinion and Order dated April 3, 1998 received from attorney for Defendant (Jackson Township). Receipt of same acknowledged by attorney for Defendant April 8, 1998.

May 4, 1998

Defendant Rices Landing Borough Council=s Preliminary Objections and Brief in Support thereof filed by attorney for Defendant.

May 8, 1998

Notice of Intention to Enter Default Judgment filed by attorney for Plaintiffs

May 11, 1998

Defendant Wayne Township Board of Supervisors= Preliminary Objections to Amended Claim filed by attorney for Defendant.

May 15, 1998

Preliminary Objections of the Commonwealth of Pennsylvania, Department of Community and Economic Development (Successor in Interest to the Commonwealth of Pennsylvania Department of Community Affairs) and Brief in Support thereof filed by attorney for Defendant.

May 21, 1998

Praecipe to File Entry of Judgment by Default filed by attorney for Plaintiffs.

May 22, 1998

Entry of Appearance of Harry J. Cancelmi, Esquire, attorney for Defendant, Jackson Township, filed.

May 22, 1998

Motion to Strike Praecipe for Entry of Default Judgment/And Or Enlargement of Time to File Response filed by attorney for Defendant, Jackson Township.

May 22, 1998

Courtesy copy of Preliminary Objections, as filed in Commonwealth Court, filed by attorney for Defendant, Jackson Township.

June 1, 1998

Plaintiff=s Response to Preliminary Objections of Defendant Rices Landing Borough and Brief in Opposition filed by attorney for Plaintiff.

June 4, 1998

Plaintiff=s Response to Defendant Wayne Township=s Preliminary Objections to Amended Claim and Brief in Opposition filed by attorney for Plaintiff.

June 15, 1998

Plaintiffs Response to Defendant Department of Community and Economic Development=s Preliminary Objections to Amended Claim and Brief in Opposition thereof filed by attorney for Plaintiffs.

June 19, 1998

Plaintiffs Response to the Motion of Defendant Jackson Township filed by attorney for Plaintiffs.

August 6, 1998

Appearance of Southwestern Pennsylvania Legal Aid Society, Inc.,
filed by attorney for Plaintiff.

August 6, 1998

Proposed Order as well as Motion for Leave to Amend Claim and for
Stay of Proceedings and Brief in Support thereof, filed by attorney
for Plaintiff.

August 18, 1998

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 18th day of August, 1998, it is hereby **ORDERED** that the Motion to Strike the Praecipe to File Entry of Judgment by Default is **GRANTED; FURTHER**, it is **ORDERED** that the Motion for Enlargement of Time to file a Response filed by Defendant Jackson Township Board of Supervisors is **GRANTED; AND** it is **ORDERED** that the Preliminary Objections filed by Defendants, Wayne Township Board of Supervisors, Jackson Township Board of Supervisors, Rices Landing Borough Council, and Commonwealth of Pennsylvania, Department of Community and Economic Development are hereby **SUSTAINED** and the Amended Complaint filed by Plaintiffs is **DISMISSED WITH PREJUDICE.**≡
Copies forwarded to all parties of record.

August 25, 1998

Acceptance of Service of Opinion and Order dated August 18, 1998,
received from attorney for Defendant (Kathryn L. Simpson, Esquire).
Receipt of same acknowledged by attorney for Defendant
August 21, 1998.

August 28, 1998

Acceptance of Service of Opinion and Order dated August 18, 1998,
received from Plaintiff. Receipt of same acknowledged by Plaintiff
August 26, 1998.

September 2, 1998

Acceptance of Service of Opinion and Order dated August 18, 1998,
received from attorney for Defendant (George A. Michak, Deputy
Chief Counsel). Receipt of same acknowledged by attorney for
Defendant August 21, 1998.

September 2, 1998

Acceptance of Service of Opinion and Order dated August 18, 1998,
received from attorney for Defendant (Lori K. Irwin, Assistant
Counsel). Receipt of same acknowledged by attorney for Defendant
August 21, 1998.

September 4, 1998

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 4th day of September, 1998, it is **ORDERED** and **DECREED** that the Order rendered by the Board on August 18, 1998 is rescinded and vacated. It is further **ORDERED** and **DECREED** that Defendants may raise the issue of subject matter jurisdiction after responses to the Motion of August 6, 1998 are filed. It is further **ORDERED** and **DECREED** that Defendants shall respond to Claimants' Motion for Leave to Amend Claim and For Stay of Proceedings within thirty (30) days of the exit date of this Order.≡ Copies forwarded to all parties of record.

September 10, 1998

Acceptance of Service of Opinion and Order dated September 4, 1998, received from attorney for Defendant (George A. Michak, Deputy Chief Counsel). Receipt of same acknowledged by attorney for Defendant September 9, 1998.

November 10, 1998

The Board rendered an Opinion and made the following Order: **AAND NOW**, this 10th day of November, 1998, Plaintiffs, Julia Mannarino, Ron Teska, and SW Community Ventures, motion to file a second amended complaint is unopposed and is hereby **GRANTED**. Plaintiffs have thirty (30) days from the exit date of this order to file their second amended complaint. **AND FURTHER**, upon consideration of Plaintiffs' motion to stay proceedings, that motion is **DENIED**.≡ Copies forwarded to all parties of record.

November 16, 1998

Acceptance of Service of Opinion and Order dated November 10, 1998, received from attorney for Defendant (Wayne Township). Receipt of same acknowledged by attorney for Defendant November 12, 1998.

November 19, 1998

Acceptance of Service of Opinion and Order dated November 10, 1998, received from attorney for Defendant (Rices Landing Borough). Receipt of same acknowledged by attorney for Defendant November 16, 1998.

December 10, 1998

Appearance of Allen J. Koslovsky, Esquire, attorney for Plaintiffs, filed.

December 10, 1998

Proposed Order as well as Motion filed by attorney for Plaintiffs.

December 10, 1998

*Second Amended Complaint filed by attorney for Plaintiffs.

January 12, 1999

Response of the Commonwealth of Pennsylvania Department of Community and Economic Development to Plaintiffs= Motion to Remove Certain Claims to the Court of Common Pleas for Greene County filed by attorney for Defendant.

March 30, 1999

Preliminary Objections of the Commonwealth of Pennsylvania, Department of Community and Economic Development to Second Amended Claim filed by attorney for Defendant.

March 30, 1999

Entry of Appearance of Nancy J. Kippenhan, Esquire attorney for Defendant filed by attorneys for Defendant.

April 7, 1999

Letter forwarded to Plaintiffs advising them to file their response and brief within thirty (30) days relative to Defendant Preliminary Objections.

May 10, 1999

Answer to Preliminary Objections of the Commonwealth of Pennsylvania, Department of Community and Economic Development to Second Amended Claim and Brief in Support filed by attorney for Plaintiffs.

July 13, 1999

Amended Answer to Preliminary Objections of the Commonwealth of Pennsylvania, Department of Community and Economic Development to Second Amend Claim and Brief in Support filed by attorney for Plaintiff.

October 14, 1999

The Board rendered an Opinion and made the following Order: AAND NOW, this 14th day of October, 1999, upon consideration of plaintiffs= motion to transfer portions of this case and no opposition motion having been filed, the motion is GRANTED and IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Acount I≡ and Acount III≡ of plaintiffs= second amended complaint be transferred to the Court of Common Pleas of Greene County. FURTHER, upon consideration of the preliminary objections filed by defendant to Acount II≡ of the second amended complaint and plaintiffs= opposition thereto, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the preliminary objections are OVERRULED. Defendant is ORDERED to respond to the second amended complaint within thirty (30) days of the exit date of this order.≡ Copy forwarded to attorney for Plaintiff and attorney for Defendant.

October 20, 1999

Acceptance of Service of Opinion and Order dated October 14, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 18, 1999.

October 22, 1999

Acceptance of Service of Opinion and Order dated October 14, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 19, 1999.

November 10, 1999

Acceptance of Service of Opinion and Order dated October 14, 1999 received from George A. Michak, Deputy Chief Counsel. Receipt of same acknowledged by George A. Michak, Deputy Chief Counsel October 18, 1999.

November 12, 1999

Acceptance of Service of Opinion and Order dated October 14, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 5, 1999.

November 15, 1999

Verified Answer to Second Amended Claim filed by attorney for Defendant.

January 31, 2000

Reply to New Matter filed by the Commonwealth of Pennsylvania, Department of Community and Economic Development filed by attorney for Defendant.

February 10, 2000

Case transferred to Court of Common Pleas of Greene County by Order dated October 14, 1999.

October 19, 2001

Status letter forwarded to parties. Due 11/19/01.

November 15, 2001

Letter received from Plaintiff advising that they want to keep the case active.

November 19, 2001

Letter received from attorney for Additional Defendant advising that are not in agreement with the Plaintiff=s recent letter.

November 21, 2001

Joint status report received from attorneys for Defendant and attorney for Plaintiff advising that two to three counts of Plaintiff=s Second Amended Complaint was transferred to the Court of Common Pleas of Greene County. The remaining Defendant before the Board was DCED. Plaintiffs and DCED have not yet conducted discovery in this matter. Both parties request a reasonable amount of time to complete discovery.

July 23, 2002

Letter forwarded to all parties involved requesting a status report. **Responses due 8/23/02.**

August 23, 2002

Letter/Status Report filed by attorney for Add. Def. advising that Wayne Township is not a party to action pending before the Board of Claims.

August 26, 2002

Joint Status Report received from attorneys for Defendant and attorney for Plaintiff advising that both parties request that they be allowed some additional time to complete discovery. Both parties have agreed to submit a report to the Board within ninety (90) days.

March 6, 2003

Faxed Joint Status report filed by both parties requesting additional time to complete discovery.

March 10, 2003

US Mail Joint Status report filed by both parties advising that discovery is ongoing. Both parties request that they be allowed additional time to complete discovery.

July 21, 2003

Defendant filed Motion to Dismiss, Department of Community and Economic Development, with Supporting Memorandum of Law. Copies forwarded to all parties of record.

August 20, 2003

Plaintiff faxed letter advising that in their recent conversation with the Defendant an agreement was made to a fifteen (15) day extension of time in order for Plaintiff to respond to A Motion To Dismiss. The extension deadline for Plaintiff is September 5, 2003.

August 25, 2003

Plaintiff filed copy of letter to Defendant confirming a phone conversation on August 20, 2003. Defendant filed a Motion to Dismiss and response was due 8/21/03. Defendant has agreed to give Plaintiff a fifteen (15) day extension deadline to September 5, 2003, in which to file their response.

September 2, 2003

Plaintiff filed a status report.

September 9, 2003

Plaintiff filed Answer to Motion to Dismiss, Department of Community and Economic Development and New Matter. Copy forwarded to Defendant.

September 11, 2003

Defendant filed Answer to New Matter.

September 11, 2003

Defendant filed Praecipe to Enter Appearance (Charles Rees Brown).

October 29, 2003

Board issued an Opinion and made the following Order: **AND NOW**, this 29th day of October, 2003, upon consideration of the Motion to Dismiss of Defendant, Commonwealth of Pennsylvania, Department of Community and Economic Development and the Plaintiffs= Opposition thereto. **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Motion to Dismiss is **DENIED**. Copy forwarded to Plaintiff and Defendant.

November 5, 2003

Defendant filed Acceptance of Service of Opinion and Order dated October 29, 2003. Receipt of same acknowledged November 3, 2003.

November 7, 2003

Defendant filed a Praecipe For Withdrawal (Nancy Kippenhan).

November 17, 2003

Board issued an Order: **AAND NOW**, this 17th day of November, 2003, upon receipt of a Praecipe for Withdrawal of Assistant Counsel under docket date of November 7, 2003, it is hereby **ORDERED** and **DECREED** that the appearance of Nancy J. Kippenhan, Esquire is **WITHDRAWN** as Assistant Counsel on behalf of Defendant, Commonwealth of Pennsylvania, Department of Community and Economic Development, pursuant to Praecipe to Enter Appearance of Charles Rees Brown, Esquire, under docket date of September 11, 2003. Copy forwarded to all parties of record.

July 20, 2004

Board forwarded status report to parties.

August 20, 2004

Plaintiff filed letter requesting the case remain in inactive status before the Board of Claims pending the satisfaction of judgment.

August 23, 2004

Plaintiff filed letter requesting the case remain in inactive status before the Board of Claims pending the satisfaction of judgment.

November 5, 2008

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

January 5, 2009

Plaintiff filed Statement of Intention to proceed.

April 9, 2013

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

May 30, 2014

Board rendered the following Opinion and Order. Order as follows:
"AND NOW, this 30th day of May, 2014, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity." Copy forwarded to Plaintiff and Defendant.

June 5, 2014

Defendant filed Acceptance of Service of Opinion and Order dated May 30, 2014. Receipt of same acknowledged June 3, 2014.
