

Docket Number: 2686

TRI-COUNTY ROOFING AND SIDING CO., INC.

Paul A. Bucco, Esquire
William Krekstein, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR & INDUSTRY,
STATE WORKER'S INSURANCE FUND

~~Rick, Grimaldi, Acting Chief Counsel~~
Richard C. Lengler, Deputy Chief Counsel

and

***JOHN FLYNN**
7216 Clinton Road
Upper Darby, PA 19082

and

***EDWARD J. BARRETT**
415 South Avenue
Glenholden, PA 19036

and

***STEVEN FULMER**
7 Sunset Hollow Road
West Chester PA 19380 3916

June 4, 1998

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$25,000.00

June 10, 1998

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT July 10, 1998.

June 16, 1998

Acceptance of service of claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General June 12, 1998.

June 18, 1998

Acceptance of service of claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 11, 1998.

July 8, 1998

Preliminary Objections, Brief and Proposed Orders filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 9, 1998

Letter forwarded to attorney for Plaintiff requesting response to Defendant's Preliminary Objections, Brief and Proposed Orders. Response due August 10, 1998.

July 20, 1998

Certified copy of the record transferred from the Delaware County Court. Order as follows: It is hereby agreed and stipulated by Paul A. Bucco, Esquire, Attorney for Plaintiff, and James F. Pearn, Jr., Esquire, Attorney for Defendant, as follows: 1) This matter shall be transferred from the Court of of Common Pleas of Delaware County to the Board of Claims as the Board of Claims has exclusive jurisdiction to hear this claim. 2) Defendant agrees that the date of filing of this action in the Delaware County Court of Common Pleas (September 10, 1997) will be considered as the date of filing of this matter with the Board of Claims.

July 21, 1998

The Board rendered an Opinion and made the following Order: "AND NOW, this 21st day of July, 1998, it is ORDERED and DECREED that the docket of the Board of Claims shall bear the filing date of September 10, 1997, as per the Stipulation of the parties." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 23, 1998

Acceptance of Service of Opinion and Order dated July 21, 1998 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 23, 1997.

July 27, 1998

Courtesy copy of a letter which Plaintiff forwarded to Defendant advising that they will be filing an Amended Claim and further that the parties agree to a 30-day extension of time in which Plaintiff will file same.

August 3, 1998

Amended Statement of Claim filed by attorney for Plaintiff.

August 11, 1998

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 11th day of August, 1998, it is **ORDERED** and **DECREED** that the Amended Statement of Claim is **ACCEPTED** and docketed under date of August 3, 1998. The Preliminary Objections filed under docket date of July 8, 1998, are hereby **DISMISSED** as being **MOOT**. Defendant is directed to file their response to Plaintiff's Amended Statement of Claim within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

August 13, 1998

Acceptance of Service of Amended Statement of Claim and Opinion and Order received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 1998.

August 21, 1998

Acceptance Service of Amended Statement of Claim and Opinion and Order received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 18, 1998.

September 10, 1998

Defendant's Answer to Plaintiff's Amended Claim and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 21, 1998

Letter forwarded to Plaintiff requesting response to Defendant's New Matter. Response due from Defendant October 21, 1998.

September 28, 1998

Notice of Service of Defendant's First Set of Requests for Admissions to Plaintiff filed by attorney for Defendant.

October 4, 1998
Certificate of Service of Plaintiff's First Set of Interrogatories and First Request for Production of Documents filed by attorney for Plaintiff.

October 5, 1998
Claimant's Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 8, 1998

Letter forwarded to parties directing parties to commence with discovery.

October 23, 1998

Notice of Service of Deposition Notices of Messrs. Flynn, Barrett and Follmar filed by attorney for Defendant.

October 29, 1998

Plaintiff's Certificate of Service of Claimant's Answer to Request for Admissions Propounded by Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 30, 1998

Defendant's Notice of Service of Plaintiff's First Set of Interrogatories of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 26, 1999

Letter received from attorney for Defendant requesting subpoenas.

February 1, 1999

Notice of Service of Defendant's Notice of Deposition of Henry Salmon filed by attorney for Defendant.

***July 20, 1999**

Stipulation and Amended New Matter joining John Flynn; Edward Barrett; and Steven Follmar as Additional Defendants filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 29, 1999

Motion for Summary Judgment, Brief in Support and Exhibits filed by attorney for Defendant (Department of Labor & Industry). Response due from Plaintiff December 1, 1999.

November 5, 1999

Amended Certificate of Service of Defendant's Volume II of Exhibits to the Brief in Support of Motion for Summary Judgment filed by attorney for Defendant.

November 29, 1999

Letter received from attorney for Plaintiff requesting an extension of time until January 3, 2000 in which to respond to Defendant's Motion for Summary Judgment.

December 1, 1999

Letter forwarded to attorney for Plaintiff granting Plaintiff's request for an extension of time until January 3, 2000 in which to respond to Defendant's Motion for Summary Judgment.

March 10, 2000

Letter forwarded to parties requesting status. Response due from parties April 10, 2000.

July 14, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 14th day of July, 2000, after due consideration of the Motion for Summary Judgment made by the Defendant, Commonwealth of Pennsylvania, Department of Labor and Industry, State Workers' Insurance Fund and joined Defendants' John Flynn, Edward J. Barrett and Steven Fulmer and upon consideration of the pleadings, affidavits and briefs of counsel, it is hereby **ORDERED** that the instant Motion is **GRANTED** in favor of the Defendant and against the Plaintiff, Tri-County Roofing and Siding Co., Inc., and the action at bar is **DISMISSED**." Copy forwarded to all parties of record.

July 21, 2000

Acceptance of Service of Opinion and Order dated July 14, 2000 received from Additional Defendant (Edward J. Barrett). Receipt of same acknowledged by Additional Defendant July 18, 2000.

July 30, 2000

Acceptance of Service of Opinion and Order dated July 14, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 17, 2000.

July 27, 2000

Acceptance of Service of Opinion and Order dated July 14, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 18, 2000.