

Docket Number: 2944

CHARLES E. ALSIPPI

~~Leonard E. Sweeney, Esquire~~
Angelo E. Quaranta, Esquire

CLOSED VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~John Robinson, Chief Claims Attorney~~
Jeffrey W. Davis, Esquire

February 10, 1999

By Order of the Westmoreland County Court, case filed, Order as follows: "AND NOW, this 3rd day of May, 1999, after consideration of the preliminary objections filed in support thereof and in opposition thereto; It appearing to the Court that each Count of the complaint in Civil Action alleges as a basis for said action a breach of a certain provision of a contract between the Commonwealth of Pennsylvania and Council 13, American Federation of State, County, and Municipal Employees, AFL-CIO; and It further appearing that jurisdiction over the Board of Claims is alleged with the claimant relies upon provisions of a contract with the Commonwealth of Pennsylvania; asserting claims against the Commonwealth (Keenhehl v. Commonwealth of Pennsylvania, Pennsylvania Securities Commission, 565 A.2d 1117 (Pa. 1989); and 72 Pa.S. §4561-4). It is hereby ORDERED and DECREED that the record in the within action is transferred to the Board of Claims and is to be treated as if originally filed with the Board of Claims on the date filed with the Court of Common Pleas of Westmoreland County."

THE FOLLOWING FILED IN WESTMORELAND COUNTY COURT

December 4, 1998

Complaint filed by Plaintiff.

January 19, 1999

Affidavit of Service of Complaint filed by Acting Sheriff.

February 12, 1999

Preliminary Objections and Brief in Support filed by Defendant.

March 3, 1999

Brief in Opposition to Preliminary Objections filed by Plaintiff.

BEFORE THE BOARD OF CLAIMS

May 28, 1999

Record transferred from Westmoreland County Court.

June 8, 1999

Letter forwarded to Plaintiff requesting additional copies of claim and filing fee. Response due July 8, 1999.

July 21, 1999

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 21st day of July, 1999, a Rule to Show Cause is issued upon Plaintiff, Charles E. Alsippi, wherein it is **DIRECTED** that Plaintiff advise the Board, within thirty (30) days from the exit date of this Order, as to whether or not Plaintiff wishes to pursue the above-captioned matter. In the event the Board does not receive a response to this Rule, said Rule to Show Cause shall become absolute and the case shall be marked "closed, discontinued and ended with prejudice." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

July 27, 1999

Additional copies of Claim and Filing fee filed.

July 30, 1999

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. Response due from Defendant August 30, 1999.

August 6, 1999

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 4, 1999.

August 30, 1999

Preliminary Objections as well as Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff October 1, 1999.

September 30, 1999

Brief in Opposition to Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 30, 1999

The Board rendered an Opinion and made the following Order: **"AND**

NOW, this 30th day of November, 1999, upon consideration of the preliminary objections filed by defendant and plaintiff's opposition thereto, **IT IS ORDERED, ADJUDGED, AND DECREED** that the preliminary objection based upon the Board's lack of subject matter jurisdiction is **SUSTAINED**, the preliminary objection based upon the statute of limitations is **OVERRULED**, and the preliminary objection in the nature of a demurrer is **OVERRULED**. **FURTHER**, the action is hereby **TRANSFERRED** back to the Court of Common Pleas of Westmoreland County." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 1, 1999

File Transferred to Westmoreland County Court.

CLOSED