

Docket Number: 2945

PENNSYLVANIA INDUSTRIES FOR THE BLIND AND HANDICAPPED

James A. Miller, Esquire

*Change of Address

CLOSED

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES

Peter Good, Assistant Counsel

June 7, 1999

By Order of the Commonwealth Court, case filed, Order as follows:
"AND NOW, this 7th day of June, 1999, the Pennsylvania Industries
for the Blind and Handicapped's application for special relief and
stay pending action on petition for review is hereby denied. This
matter is transferred to the Board of Claims pursuant to Section
5103 of the Judicial Code, 42 Pa. C.S. §5103." The Chief Clerk shall
certify a photocopy of the docket entries of the above-captioned
matter and the record to the Board of Claims."

THE FOLLOWING FILED IN COMMONWEALTH COURT

May 2, 1999

Preliminary Objections to petition for review filed by respondent.

May 2, 1999

Petition for review/Notice of Appeal filed.

May 27, 1999

Application for Stay - Petitioner's application for special relief
and stay pending action on petition for review.

May 28, 1999

Order Filed: Hearing on petitioner's application for special relief
pursuant to Pa. R.A.P. 1532 and stay pending action on petition for
review is fixed for June 3, 1999 at 10:00 a.m., in Courtroom No.
1, Harrisburg. PER CURIAM. Event Result: Hearing Scheduled.

June 2, 1999

Answer to Motion/Applicaton: For special relief pursuant to PA.
R.A.P. 1532 and stay pending action on petition for review pursuant
to PA. R.A.P. 1781.

June 3, 1999

In support of respondent's answer to petitioner's application.

June 3, 1999

Memorandum of Law in support of respondent's answer to petitioner's
application.

June 3, 1999

Filed - Other - Petitioner's memorandum in support of application
for injunctive relief.

June 7, 1999

The Pennsylvania Industries for the Blind and Handicapped's petition for special relief and stay pending action of petition for review is denied. This matter is transferred to the Board of Claims. June 8, 1999 Memorandum and Opinion and Order exit. See Memorandum Opinion and Order filed.

June 10, 1999

Filed - Other, Petitioner's Exhibit 1 and Respondent's Exhibits 1 thru 5 filed under same cover from hearing held 6/3/99 before J. Kelly.

June 28, 1999

Transferred to the Board of Claims per order dated June 7, 1999.

CLOSED

BEFORE THE BOARD OF CLAIMS

July 7, 1999

Record transferred from Commonwealth Court.

July 16, 1999

Letter forwarded to Plaintiff requesting additional copies of Complaint and filing fee.

August 5, 1999

Additional copies of Claim and filing fee filed by attorney for Plaintiff.

August 10, 1999

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. Response due from Defendant September 10, 1999.

August 16, 1999

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 11, 1999.

August 20, 1999

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 13, 1999.

September 7, 1999

Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff October 14, 1999.

September 7, 1999

Motion to Stay filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff October 14, 1999.

October 6, 1999

Letter-type response to Defendant's Motion to Stay filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 29, 1999

The Board rendered an Opinion and made the following Order: "AND NOW, this 29th day of October, 1999, it is **ORDERED** and **DECREED** that this matter is hereby **STAYED** indefinitely. It is further **ORDERED** and **DECREED** that counsel for Plaintiff, Pennsylvania Industries for the Blind and Handicapped, or Defendant, Commonwealth of Pennsylvania, Department of General Services may file a Motion to Remove the Stay at any time." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 3, 1999

Acceptance of Service of Opinion and Order dated October 29, 1999 received from Defendant. Receipt of same acknowledged by Defendant November 1, 1999.

April 4, 2000

Motion to Remove Stay filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 20, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 20th day of April, 2000, upon consideration of the Defendant's, Commonwealth of Pennsylvania, Department of General Services, Motion to Lift the Stay of Proceedings, it is hereby **ORDERED** that the Motion is **GRANTED** and the stay issued by the Board on October 29, 1999, is hereby **LIFTED**. The Plaintiff, Pennsylvania Industries for the Blind and Handicapped is directed to file their response to Defendant's New Matter within thirty (30) days from receipt of this Order and thereafter, the parties are to complete discovery and proceed to adjudication.

May 19, 2000

Plaintiff's Response to Defendant's answer & answer to Defendant's New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 26, 2000

Acceptance of Service of Opinion and Order dated April 20, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 24, 2000.

January 3, 2001

Letter forwarded to parties requesting status. Response due from parties February 5, 2001.

February 5, 2001

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

August 8, 2001

Letter forwarded to parties requesting status. Response due from parties September 10, 2001.

October 10, 2001

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 10th day of October, 2001, a Rule to Show Cause is issued upon Plaintiff, Pennsylvania Industries for the Blind and Handicapped, 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.

October 15, 2001

Acceptance of Service of Opinion and Order dated October 10, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant at October 11, 2001.

November 2, 2001

Acceptance of Service of Opinion and Order dated October 10, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 2, 2001.

November 2, 2001

Praecipe for Discontinuance filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 8, 2001

The Board rendered the following Order: "**AND NOW**, this 8th day of November, 2001, upon receipt of Plaintiff's Praecipe for Discontinuance advising "Please enter the above matter as discontinued and dismiss with without prejudice." executed by James A. Miller, Esquire, for Plaintiff and docketed with this Board under date of November 2, 2001, it is **ORDERED** and **DIRECTED** that said case be marked 'closed, discontinued and ended with prejudice.'" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 5, 2001

Acceptance of Service of Order dated November 8, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 27, 2001.

December 12, 2001

The Board rendered the following Amended Order: "**AND NOW**, this 12th day of December, 2001, the Order rendered November 8, 2001, wherein the Board directed that said case be marked 'closed, discontinued and ended with prejudice' is hereby **RESCINDED**. The Board hereby **ORDERS** and **DIRECTS** that this case be marked 'closed, discontinued and ended without prejudice.'" Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 19, 2001

Acceptance of Service of Amended Order dated December 12, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 17, 2001.

January 10, 2002

Acceptance of Service of Amended Order dated December 12, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff of December 25, 2001.

CLOSED