

Docket Number: 2946

DEBRA TALLADA

Philip D. Lauer, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
EAST STROUDSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION,

~~Jacqueline Barnett Conforti, Esquire~~
~~Assistant Counsel~~

*Wayne S. Melnick, Deputy Chief Counsel of Litigation

~~**the STATE BOARD OF EDUCATION, statutory Commonwealth Parties,~~
~~*and THE WOOD COMPANY**~~

~~Gregory E. Dunlap, Deputy General Counsel~~

February 10, 1999

By Order of the Commonwealth Court, case filed, Order as follows:
"AND NOW, this 10th day of February, 1999, the order of the Court
of Common Pleas of Monroe County, dated April 2, 1998k, at No. 2758
Civil 1997, sustaining the appellees' preliminary objections based
on sovereign immunity and lack of jurisdiction and dismissing Debra
Tallada's negligence claim, is affirmed. That portion of the trial
court's order dismissing Tallada's contract claim with prejudice is
vacated and said claim is transferred to the Board of Claims.'

THE FOLLOWING FILED IN COMMONWEALTH COURT

April 17, 1998

Petition for Review/Notice of Appeal filed.

April 17, 1998

Certificate of Service.

April 30, 1998

Notices Exit.

May 29, 1998

Record filed.

July 16, 1998

Order filed/Appellant's briefs and reproduced record shall be filed
by 7/31/98 or the appeal shall be dismissed.

July 30, 1998

Petitioner/Appellant's Brief filed.

July 30, 1998

Appellant's Reproduced Record filed.

August 28, 1998

Respondent/Appellee's Brief filed.

October 22, 1998

Argument scheduled/Thursday, December 10, 1998 at 9:30 am in Hbg.
No. 79.

December 10, 1998

Order filed/Appellant's petition to submit on briefs, currently fixed for oral argument of 12/10, the petition is granted and appellant shall submit on briefs.

December 14, 1998

Petition to submit on brief position of appellant.

February 10, 1999

Opinion filed.

March 3, 1999

Filed other/transferred to the Board of Claims, per order dated February 10, 1999.

BEFORE THE BOARD OF CLAIMS

February 10, 1999

Record transferred from Commonwealth Court.

March 9, 1999

File received from Commonwealth Court. Amount of Claim: \$Unknown.

March 11, 1999

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

April 12, 1999

Letter received from Plaintiff requesting an additional thirty (30) days in which to perfect their Claim as they are in the processing of retaining counsel.

July 1, 1999

The Board rendered an Opinion and made the following Order: "AND NOW, this 1st day of July, 1999, a Rule to Show Cause is issued upon Plaintiff, Debra Tallada, 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 Plaintiff.

July 30, 1999

Answer of Plaintiff to Rule to Show Cause filed by attorney for Plaintiff.

July 30, 1999

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

August 10, 1999

Copies of Claim forwarded to attorney for Defendant, Additional Defendant, The Wood Company and Chief Deputy Attorney General. Response due from Defendant September 10, 1999.

August 19, 1999

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 17, 1999.

August 26, 1999

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 20, 1999.

September 3, 1999

Praecipe to Discontinue The Wood Company from the Complaint executed by all parties of record filed by attorney for The Wood Company.

September 7, 1999

East Stroudsburg University of Pennsylvania and the State System of Higher Education's Preliminary Objections to Plaintiff's Complaint as well as Brief in Support filed by attorney for Defendant.

****September 17, 1999**

The Board rendered an Opinion and made the following Order: "AND NOW, this 17th day of September, 1999, it is **ORDERED** and **DIRECTED** that The Wood Company is hereby **DISMISSED** as a party to the above-referenced action and the caption shall be as follows: **DEBRA TALLADA VS. COMMONWEALTH OF PENNSYLVANIA, EAST STROUDSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, the STATE BOARD OF EDUCATION, statutory Commonwealth parties.**" Copy forwarded to all parties of record.

September 23, 1999

Acceptance of Service of Opinion and Order dated September 17, 1999 received from Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 19, 1999.

September 23, 1999

Acceptance of Service of Opinion and Order dated September 17, 1999 received from Defendant. Receipt of same acknowledged by attorney for Defendant September 21, 1999.

September 30, 1999

Acceptance of Service of Opinion and Order dated September 17, 1999 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General September 28, 1999.

October 1, 1999

Letter received from attorney for Defendant disagreeing with the Wood Company being removed from the record as an Additional Defendant.

October 7, 1999

Plaintiff's Answer and Brief in Support to the Preliminary Objections of Defendant filed by attorney for Plaintiff.

October 18, 1999

Defendant's Response Brief to Plaintiff's Brief in Opposition to Defendant's Preliminary Objections filed by attorney for Defendant.

December 21, 1999

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21th day of December, 1999, it is hereby **ORDERED** and **DECREED** that Defendant's, Commonwealth of Pennsylvania, East Stroudsburg University of Pennsylvania of the State System of Higher Education and the State Board of Education, Preliminary Objections are **SUSTAINED** with respect to Count I (Negligence) and **DISMISSED** with respect to the Count II (Breach of Contract). Defendant is hereby **ORDERED** to file a responsive pleading to the within action within thirty (30) days of the date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

December 28, 1999

Acceptance of Service of Opinion and Order dated December 21, 1999 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 22, 1999.

January 13, 2000

Acceptance of Service of Opinion and Order dated December 21, 1999 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff December 23, 1999.

January 18, 2000

Letter received via facsimile requesting an extension of time until January 28, 2000 in which to file Defendant's responsive pleading.

January 19, 2000

Letter forwarded to attorney for Defendant granting Defendant's request for an extension of time until January 28, 2000 in which to file Defendant's responsive pleading.

January 18, 2000

Letter received via U.S. Mail requesting an extension of time until January 28, 2000 in which to file Defendant's responsive pleading. (Same granted on 1/19/00)

January 28, 2000

East Stroudsburg University of Pennsylvania and the State System of Higher Education's Answer to Plaintiff's Complaint filed by attorney for Defendant. **Response due from Plaintiff March 6, 2000.**

February 11, 2000

Plaintiff's Reply to New Matter filed on behalf of East Stroudsburg University and the State System of Higher Education filed by attorney for Plaintiff.

February 14, 2000

Letter forwarded to parties directing parties to commence with discovery.

March 29, 2000

Claim forwarded to attorney for Defendant, State Board of Education. Response due May 2, 2000.

April 10, 2000

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 6, 2000.

April 12, 2000

Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 filed by attorney for Defendant, State System of Higher Education.

April 25, 2000

Preliminary Objections and Brief in Support filed by attorney for Defendant (State Board of Education). Response due from Plaintiff May 26, 2000.

May 4, 2000

Status letter received from attorney for Defendant (State System of Higher Education) advising that they concur with the Defendant's, State Board of Education, Preliminary Objections.

July 11, 2000

Notice of Service of Defendant's Interrogatories Propounded upon Plaintiff filed by attorney for Defendant.

****September 19, 2000**

The Board rendered an Opinion and made the following Order: **"AND NOW**, this 19th day of September, 2000, it is hereby **ORDERED** and **DECREED** that Defendant's, State Board of Education, Preliminary Objections to the Complaint of Plaintiff, Debra Tallada, are hereby **GRANTED**. Defendant, State Board of Education shall forthwith be removed as a Defendant in this matter." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 25, 2000

Acceptance of Service of Opinion and Order dated September 19, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 21, 2000.

September 29, 2000

Acceptance of Service of Opinion and Order dated September 29, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 25, 2000.

October 24, 2000

Courtesy copy of letter addressed to attorney for Plaintiff requesting a Response to Request for Specific Answers to Defendant's Interrogatories Propounded upon Plaintiff filed by attorney for Defendant.

***November 29, 2000**

Withdrawal of Appearance of Jacqueline Conforti Barnett and Entry of Appearance of Wayne S. Melnick filed on behalf of Defendant.

May 23, 2001

Letter forwarded to parties requesting status. Response due from parties June 25, 2001.

June 21, 2001

Status letter received from attorney for Defendant advising that Defendant has outstanding discovery requests with Plaintiff, which have gone unanswered and further that Plaintiff has failed to undertake any action to prosecute this case.

June 22, 2001

Status letter received from attorney for Plaintiff outlining Plaintiff's completion of the Defendant's discovery requests.

July 11, 2002

Letter forwarded to parties requesting status. Response due from parties August 12, 2002.

July 18, 2002

Status letter received from attorney for Defendant advising that Defendant has outstanding discovery requests with Plaintiff, which have gone unanswered and further that Plaintiff has failed to undertake any action to prosecute this case.

July 22, 2002

Letter received from attorney for Plaintiff advising that Plaintiff's disagrees with Defendant's letter of July 16, 2002 wherein Defendant advised that there was outstanding discovery requests and further advising that Plaintiff feels this case is in a position for trial.

August 23, 2002

Letter received from attorney for Defendant which he forwarded to attorney for Plaintiff advising that Defendant has not received the discovery Plaintiff advises they forwarded to Defendant and Defendant requests Plaintiff reforward same.

January 29, 2003

Letter forwarded to parties requesting status. Response due from parties March 3, 2003.

February 14, 2003

Status letter received from attorney for Defendant advising that to date Plaintiff has not complied with requests for discovery after repeated promises by Plaintiff that they will do so. Defendant further advises that Plaintiff has failed still to undertake any action to prosecute this case.

February 14, 2003

Defendant's Motion to Compel Specific Answers to Interrogatories Propounded by Defendant as well as Proposed Order filed by attorney for Defendant. Response due from Plaintiff March 19, 2003.

April 23, 2003

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 23rd day of April, 2003, no answer having been filed to Defendant's Motion to Compel Specific Answers to Interrogatories Propounded by Defendant, it is **ORDERED** and **DECREED** that Plaintiff file complete and specific answers to the interrogatories within thirty (30) days from the date of receipt of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 25, 2003

Acceptance of Service of Opinion and Order received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 24, 2003.

June 25, 2003

Defendant filed letter advising that Plaintiff has provided a response to Defendant's discovery requests.

January 29, 2004

Board forwarded letter requesting status from the parties.

March 25, 2004

Board forwarded second letter requesting status from the parties.

April 27, 2004

Defendant filed status letter advising that Defendant and Plaintiff had concluded discovery and Defendant was holding off pending notification from Plaintiff that Plaintiff wished to pursue this matter.

April 27, 2004

Plaintiff filed status letter advising that discovery has been completed and that Plaintiff's client's health has stabilized and that this case will shortly be in a position to set for hearing. Plaintiff further requests a status conference be set for approximately 90 days.

February 17, 2005

Plaintiff filed letter requesting a hearing be held in July 2005.

June 2, 2005

Defendant filed copy of letter Defendant forwarded to Plaintiff requesting dates in which to complete depositions.

August 5, 2005

Plaintiff filed letter advising that Plaintiff is in the process of determining if she does wish to proceed and therefore requesting Plaintiff be permitted to defer briefly a response to the Board's July 28, 2005 correspondence.

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 9, 2009

Plaintiff filed Statement of Intention to Proceed.