

Docket Number: 3241

PROFESSIONAL EXAMINATION SERVICE

Robert B. Hoffman, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE,
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

~~Steven V. Turner, Chief Counsel~~
Peter M. Good, Assistant Counsel
Jose Morales, Assistant Counsel

VS.

* LOCAL GOVERNMENT RESEARCH CORPORATION

Michael Kaminski, Esquire

May 11, 2000

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$106,655.00+.

May 15, 2000

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 6/14/00.

May 19, 2000

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 16, 2000.

May 22, 2000

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General May 16, 2000.

June 14, 2000

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 July 14, 2000.

July 12, 2000

Plaintiff's Answer to Preliminary Objections as well as Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 19, 2000

Letter received from attorney for Plaintiff advising that they made a typographical error in their Brief in Opposition to Defendant's Preliminary Objections stating the amount at issue as \$106,055. instead of the correct figure of \$136,055.

September 21, 2000

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 21st day of September, 2000, upon consideration of the Preliminary Objections filed by Defendant, Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, and the Opposition filed by Plaintiff, Professional Examination Service, it is hereby **ORDERED, ADJUDGED** and **DECREED** that the Preliminary Objections are **OVERRULED**. It is further **ORDERED** and **DECREED** that Defendant is **DIRECTED** to file its response to Plaintiff's Claim within thirty (30) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

September 25, 2000

Acceptance of Service of Opinion and Order dated September 21, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 26, 2000.

Acceptance of Service of Opinion and Order dated September 21, 2000 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant September 25, 2000.

October 3, 2000

Acceptance of Service of Opinion and Order dated September 21, 2000 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 22, 2000.

October 23, 2000

Answer with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Reply to New Matter due on or before November 27, 2000.**

* October 23, 2000

Complaint to Join Additional Defendant (Local Government Research Corporation) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff and attorney for Additional Defendant by attorney for Defendant. **Answer due from Additional Defendant on or before November 27, 2000.**

October 27, 2000

Copy of Complaint to Join Additional Defendant forwarded to Chief Deputy Attorney General.

November 1, 2000

Acceptance of Service of Complaint to Join Additional Defendant filed by attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff October 20, 2000.

November 6, 2000

Acceptance of Service of Complaint to Join filed by Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General November 1, 2000.

November 13, 2000

Plaintiff's Reply to New Matter filed. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 14, 2000

Letter forwarded to parties directing parties to commence with discovery.

January 12, 2001

Plaintiff's Motion for Partial Summary Judgment Directed to Counts I and II of the Complaint and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff. Response due from Defendant February 16, 2001.

February 14, 2001

Defendant's, Department of State, Bureau of Professional and Occupational Affairs, Cross-Motion for Summary Judgment and Brief in Support filed by attorney for Defendant.

February 16, 2001

Letter received from attorney for Defendant advising "Please consider the Defendant's brief in support of its motion also as a brief in opposition to Plaintiff's Motion for Summary Judgment."

February 28, 2001

Reply Brief of Plaintiff Professional Examination Service in Support of its Motion for Partial Summary Judgment Directed to Counts I and II of the Complaint and in Opposition to Defendant's Cross Motion for Partial Summary filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 2, 2001

Plaintiff's Answer to Defendant's Cross-Motion for Summary Judgment

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

May 29, 2001

Status letter received from attorney for Defendant advising that the parties have settled and upon completion of the necessary document will notify the Board and further requesting that said case be stayed pending final outcome.

July 23, 2001

Plaintiff's Praecipe to Discontinue with Prejudice filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

July 23, 2001

The Board rendered the following Order: "AND NOW this 25th day of July, 2001, upon receipt of Plaintiff's Praecipe To Discontinue with Prejudice advising, Please mark the above captioned action as discontinued with prejudice, the underlying matter having been amicably resolved." executed by Robert B. Hoffman, Esquire, attorney for Plaintiff and docketed with this Board under date of July 23, 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.

July 30, 2001

Acceptance of Service of Order dated July 25, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 28, 2001.

August 9, 2001

Acceptance of Service of Order dated July 25, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 11, 2001.