

Docket Number: 3262

DIANESE, INC.

~~David S. Makara, Esquire~~
~~John M. Gallagher, Esquire~~
Gaetano Dianese

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

~~Gregory C. Santoro, Chief Counsel~~
~~Jose Morales, Assistant Counsel~~
~~Stephen J. Busterna, Assistant Counsel~~
~~Alice Miller, Assistant Counsel~~
David L. Narkiewicz, Chief Counsel
Tanya C. Dalko, Senior Counsel

July 19, 2000

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$172,546.29.

July 24, 2000

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

July 26, 2000

Acceptance of Service of Claim received from Office of Attorney General. Receipt of same acknowledged July 25, 2000.

July 31, 2000

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged July 25, 2000.

August 1, 2000

Answer to Complaint with New Matter filed by attorney for Defendant.

August 8, 2000

Praecipe for Withdrawal (of David S. Makara, Esquire) and Entry of Appearance (Of John M. Gallagher, Esquire), on behalf of Plaintiff, filed by attorney for Plaintiff.

August 21, 2000

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

October 26, 2000

Praecipe to Enter Appearance of Stephen J. Busterna, Assistant Counsel, on behalf of Defendant, filed by attorney for Defendant.

November 20, 2000

Courtesy copy of cover letter enclosing First Set of Interrogatories and First Set of Request for Production of Documents from Attorney for Defendant to Attorney for Plaintiff filed by attorney for Defendant.

December 18, 2000

Letter received from Plaintiff, Gaetano Dianese, advising the Board that the law firm of Laputka, Bayless, Ecker & Cohn will no longer be representing the Plaintiff and requesting a 30 day extension of time to file any responses that are due.

December 22, 2000

Letter received from Plaintiff requesting a 30 day extension of time to file responses.

December 27, 2000

Letter forwarded to Plaintiff granting extension of time for Plaintiff to file responsive pleading.

December 29, 2000

Letter received from attorney for Defendant addressed to Plaintiff granting an extension of time to respond to discovery requests.

January 9, 2001

Letter received from Plaintiff advising that the law firm of Riley and Fanelli will not be representing Dianese.

January 12, 2001

Letter received from Plaintiff advising that Docket No. 3086 is settled, and requesting an extension of time to respond to Discovery Requests for Docket Nos. 3171 and 3262.

January 17, 2001

Letter forwarded to Plaintiff granting extension of time to respond to Discovery Requests.

February 8, 2001

Letter received from Plaintiff advising that DGS has failed to fulfill its Settlement Agreement with Plaintiff and Plaintiff has filed a Civil Action lawsuit in the U.S. District Court against DGS for the above three docket numbers and requests that these dockets be put on hold until the Federal Court makes a decision on these matters.

February 23, 2001

The Board rendered an Opinion and made the following Order: **AND NOW**, this 23rd day of February, 2001, it is **ORDERED** and **DECREED** that all activity on Docket Nos. 3171 & 3262 is hereby **SUSPENDED** pending a final determination in the Federal Civil Action, filed in the U.S. District Court for the Eastern District of Pennsylvania, by Plaintiff, against Defendant, which, according to Plaintiff, asserts the claims which are the subject matter of these docket numbers. With respect to Docket No. 3086, activity is **SUSPENDED** and Plaintiff's right to reassert this Claim is preserved pending a final determination in the above-mentioned Federal Civil Action. @ Copy forwarded to Plaintiff and attorney for Defendant.

February 28, 2001

Acceptance of Service of Opinion and Order dated February 23, 2001 received from Plaintiff. Receipt of same acknowledged February 26, 2001.

March 1, 2001

Acceptance of Service of Opinion and Order dated February 23, 2001 received from attorney for Defendant. Receipt of same acknowledged February 28, 2001.

August 30, 2002

Letter forwarded to parties requesting a Status Report.

September 10, 2002

Letter received from attorney for Defendant advising that the Federal civil action being handled by the Office of Attorney General is still ongoing and that the Department feels it is best to await that forum's determination.

September 18, 2002

Letter received from Plaintiff advising that the federal actions are still pending in federal court.

October 9, 2003

Board forwarded letter to parties requesting a status report.

October 16, 2003

Defendant filed a letter/status report advising that apparently the federal civil action is still ongoing and that the claim is being handled by the Office of Attorney General.

November 2, 2004

Board forwarded letter to parties requesting a status report.

December 29, 2004

Board forwarded Second letter to parties requesting a status report.

January 25, 2005

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 25th day of January, 2005, a Rule to Show Cause is issued upon Plaintiff, Dianese, Inc., 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 and Defendant.

February 2, 2005

Defendant filed Acceptance of Service of Opinion and Order dated January 25, 2005. Receipt of same acknowledged January 26, 2005.

February 11, 2005

Plaintiff's wife filed a letter advising that Gaetano Dianese has been incarcerated in the Luzerne County Correctional Facility since January 29, 2004 and that he is the only person authorized to act on behalf of Dianese. She also stated that Mr. Dianese reminded that the Board has been notified of the federal actions pending in federal court.

July 28, 2005

Defendant filed Praecipe to Withdraw appearance of Alice Miller, Esquire, on behalf of Defendant.

July 28, 2005

Defendant filed Praecipe to Enter Appearance of David L. Narkiewicz, Assistant Chief Counsel and Tanya C. Leshko, Senior Counsel, on behalf of Defendant.

September 26, 2008

Defendant filed a letter requesting that the Board enter an order dismissing this case for failure to prosecute and advising that the federal suit was no longer pending and had been dismissed in 2003.

October 30, 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.

November 5, 2008

U.S. Post Office returned Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 due to address change and/or incorrect mailing address.

March 24, 2009

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 24th day of March, 2009, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity." Copy forwarded to Plaintiff and Defendant.

March 27, 2009

Defendant filed Acceptance of Service of Opinion and Order dated March 24, 2009. Receipt of same acknowledged March 25, 2009.
