

Docket Number: 3353

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

Allen C. Warshaw, Esquire
Mary P. Patterson, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE, BUREAU OF OCCUPATIONAL AFFAIRS AND
STATE BOARD OF ACCOUNTANCY

~~John T. Henderson, Chief Counsel~~
~~Peter M. Good, Assistant Counsel~~
~~Trent Hargrove, Chief Counsel~~
Nancy J. Kippenhan, Assistant Chief Counsel

December 18, 2000

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$176,723.50+.

December 20, 2000

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 1/19/01.

December 27, 2000

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant December 22, 2000.

CLOSED

Preliminary Objections and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Response & Brief in Opposition due 2/20/01.**

January 30, 2001

Preliminary Objections to Preliminary Objections to Complaint and Brief in Support filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 13, 2001

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 13th day of February, 2001, upon consideration of the defendant's preliminary objections to the complaint and the plaintiff's preliminary objections to the defendant's preliminary objections, **IT IS HEREBY ORDERED AND ADJUDGED** that the defendant's preliminary objections are **OVERRULED** and the plaintiff's preliminary objections are **SUSTAINED**. Further, **IT IS ORDERED** that defendant file a response to plaintiff's complaint within thirty (30) days of the exit date of this order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 16, 2001

Acceptance of Service of Opinion and Order dated February 13, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 16, 2001.

February 16, 2001

Acceptance of Service of Opinion and Order dated February 13, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 15, 2001.

March 6, 2001

Answer with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. Response due from Plaintiff April 9, 2001.

April 9, 2001

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

October 4, 2001

Letter forwarded to parties requesting a Status Report. Status Report due on or before **November 5, 2001**.

November 1, 2001

Status Report filed by attorney for Plaintiff advising that all discovery has been completed and that the case is ready for trial, however, the Defendant has expressed an intention to file a Motion for Summary Judgment. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 8, 2001

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 8th day of November, 2001, the parties are **DIRECTED** to file all dispositive motions no later than forty-five (45) days from the exit date of this Order." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 13, 2001

Acceptance of Service of Opinion and Order dated November 8, 2001 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 9, 2001.

November 14, 2001

Acceptance of Service of Opinion and Order dated November 8, 2001 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 13, 2001.

December 3, 2001

Motion for Summary Judgment and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant. **Plaintiff's Response and Brief in Opposition due 1/3/02.**

December 26, 2001

Brief in Opposition to Defendant's Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

February 6, 2002

The Board rendered an Opinion and made the following order: "**AND NOW**, this 6th day of February, 2002, upon consideration of Defendant's Motion for Summary Judgment and the Answer filed thereto, it is **ORDERED** and **DECREED** that Defendant's Motion is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

February 11, 2002

Acceptance of Service of Opinion and Order dated February 6, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff February 8, 2002.

February 11, 2002

Acceptance of Service of Opinion and Order dated February 6, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant February 7, 2002.

February 22, 2002

Application to Amend Order to Include Statement specified in 42 Pa. C.S. § 702(b) and Brief in Support filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 13, 2002

Brief in Opposition to Defendants' Application to Amend Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

April 29, 2002

The Board rendered an Opinion and made the following Order: "**AND NOW**, this 29th day of April, 2002, after review of Defendant's Request to Amend the Order of February 6, 2002 and Plaintiff's Response thereto, it is hereby **ORDERED** and **DECREED** that said Application to Amend is **DENIED**." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

May 1, 2002

Acceptance of Service of Opinion and Order dated April 29, 2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 30, 2002.

May 3, 2002

Acceptance of Service of Opinion and Order dated April 29, 2002 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant May 1, 2002.

November 1, 2002

Letter forwarded to parties requesting a Status Report. Status Report due on or before 12/2/02.

December 2, 2002

Letter received from attorney for Plaintiff advising that the parties are currently engaged in ongoing discovery.

January 28, 2003

Letter received from attorney for Plaintiff advising that the parties continue to engage in ongoing discovery and are optimistic that a settlement can be reached.

March 28, 2003

Letter received from attorney for Plaintiff requesting that this matter be scheduled for a hearing.

March 27, 2003

Letter received from attorney for Plaintiff (via fax) advising that the parties continue to engage in ongoing settlement negotiations however they do not feel settlement will come to fruition and further requests that a hearing be set in this matter.

April 3, 2003

The Board rendered the following Order: "**AND NOW**, this 3rd day of April, 2003, it is **ORDERED** and **DECREED** that this matter is set for a hearing before the Board beginning on June 11, 2003 through June 12, 2003. Said hearing shall be held in Courtroom No. 1, 6th Floor, Fulton Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m.

It is further **ORDERED** and **DECREED** that all discovery be completed no later than forty-five (45) days prior to the commencement of the trial." Copy forwarded to attorney for Plaintiff and attorney for Defendant.

April 9, 2003

Acceptance of Service of Order dated April 3, 2003 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 7, 2003.

May 2003

Plaintiff filed a letter (via fax) advising that the parties have reached a settlement agreement, but that a release has not yet been executed and that they will provide a Notice of Withdrawal within the next two weeks as soon as the release is executed.

May 9, 2003

Plaintiff filed a letter (via U.S. Mail) advising that the parties have reached a settlement agreement, but that a release has not yet been executed and that they will provide a Notice of Withdrawal within the next two weeks as soon as the release is executed.

May 22, 2003

Plaintiff filed a letter (via fax) advising that the parties have reached a settlement agreement, but that a release has not yet been executed and that they will provide a Notice of Withdrawal once the settlement is final.

May 23, 2003

Plaintiff filed a letter (via U.S. mail) advising that the parties have reached a settlement agreement, but that a release has not yet been executed and that they will provide a Notice of Withdrawal once the settlement is final.

June 4, 2003

Board canceled hearing which was scheduled for June 11 & 12, 2003 due to possible settlement.

June 20, 2003

Defendant filed Praecipe to enter appearance of Trent Hargrove, Chief Counsel on behalf of Defendant. Copy forwarded to Plaintiff.

June 20, 2003

Defendant filed Praecipe to withdraw appearance of Peter M. Good, Chief Counsel on behalf of Defendant. Copy forwarded to Plaintiff.

July 24, 2003

Defendant filed Praecipe to Withdraw Appearance of Trent Hargrove, Chief Counsel and Enter Appearance of Nancy J. Kippenhan, Assistant Chief Counsel, on behalf of Defendant. Copy forwarded to Plaintiff.

December 19, 2003
Board forwarded letter to parties requesting status report.
January 8, 2004

Plaintiff filed a letter advising that the above referenced matter has been concluded and the matter may be marked settled and withdrawn.

February 26, 2004

Defendant filed Acceptance of Service of Order dated April 3, 2003. Receipt of same acknowledged April 11, 2003.

June 22, 2004

Board rendered an Order. Order as follows: "**AND NOW**, this 22nd day of June, 2004, upon receipt of a letter received from Mary P. Patterson, Esquire, attorney for Plaintiff, advising that the above-referenced matter has been concluded and may be marked settled and withdrawn, and docketed with this Board under date of January 8, 2004, it is **ORDERED** and **DECREED** that said case be marked 'settled, discontinued and ended with prejudice'." Copy forwarded to Plaintiff and Defendant.

June 24, 2004

Defendant filed Acceptance of Service of Order dated June 22, 2004. Receipt of same acknowledged June 23, 2004.

June 28, 2004

Plaintiff filed Acceptance of Service of Order dated June 22, 2004.
Receipt of same acknowledged June 24, 2004.

CLOSED