

CLOSED

Docket Number: 3482

MAHANOEY TOWNSHIP AUTHORITY

Michael D. Klein, Esquire
Carl R. Shultz, Esquire
John B. Lieberman, III, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION**

William R. Pouss, Chief Counsel
Bradley C. Bechtel, Assistant Counsel

April 9, 2002

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$101,943.21.

April 12, 2002

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General. ANSWER DUE FROM DEFENDANT 5/13/02.

April 23, 2002

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 16, 2002.

April 23, 2002

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General April 18, 2002.

May 9, 2002

Preliminary Objections of Pennsylvania Game Commission as well as Brief in Support of Preliminary Objections filed by attorney for Defendant.

June 4, 2002

Response of Mahanoy Township Authority to the Preliminary Objections of the Pennsylvania Game Commission and Brief of Mahanoy Township Authority in Opposition to the Preliminary Objections of the Pennsylvania Game Commission filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 4, 2002

The Board rendered an Opinion and made the following Order: **AND NOW**, this 4th day of November, 2002, after due consideration of the submissions of the parties, it is **HEREBY ORDERED** that the Preliminary Objections of PGC are **GRANTED**. **AND FURTHER**, the Claim docketed to No. 3482 is **DISMISSED** for lack of subject matter jurisdiction. Copy forwarded to attorney for Plaintiff and attorney for Defendant.

November 6, 2002

Acceptance of Service of Opinion and Order dated November 4,

2002 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 5, 2002.

November 12, 2002

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

November 21, 2002

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff.

December 2, 2002

Docketing Statement, exhibits and a Certificate of Service filed by attorney for Plaintiff in Commonwealth Court.

January 24, 2003

Order received from Commonwealth Court. Order as followed: **AND NOW**, January 23, 2003, our prior order of January 14, 2003, is vacated. The Board of Claims shall certify the record in this matter to this court within 20 days of entry of this order.

January 27, 2003

Petition for Review received (via fax) from Commonwealth Court. {No. 2708 CD 2002}

January 27, 2003

Order received from Commonwealth Court (via fax). Order as follows: **AND NOW**, January 14, 2003, it appearing that the above-captioned Petition for Review was filed on November 21, 2002, and that a notice to certify the record was sent on November 22, 2002, and that the record has not been certified, it is hereby ordered that the Game Commission shall certify the record to this Court within twenty (20) days of the date of this Order.

January 30, 2003

File transferred to Commonwealth Court.

December 9, 2003

Commonwealth Court issued Order: **AND NOW**, December 4, 2003, the decision of the Board of Claims in the above captioned matter is

reversed. The case is remanded to the Board. Jurisdiction relinquished.

January 13, 2004

Plaintiff filed letter seeking guidance on how to proceed at the Board.

January 21, 2004

Board forwarded letter to parties directing the Defendant to restate and refile its preliminary objections to Plaintiff's claim within thirty days of this letter.

February 18, 2004

Defendant filed Preliminary Objections of Pennsylvania Game Commission and Brief in Support.

February 25, 2004

Plaintiff filed a Certificate of Service for Complaint.

March 15, 2004

Plaintiff filed a Response of Mahanoy Township Authority to the Preliminary Objections of the Pennsylvania Game Commission and Brief in Opposition. Copy forwarded to attorney for Defendant.

May 28, 2004

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 28th day, of May, 2004, based upon the within preliminary objections and the briefs filed by all parties, it is hereby **ORDERED** and **DECREED** that the preliminary objections of the Defendant, Commonwealth of Pennsylvania, Pennsylvania Game Commission, to the Claim of the Plaintiff, Mahanoy Township, are hereby **DISMISSED** with prejudice. Commonwealth of Pennsylvania, Pennsylvania Game Commission shall file a responsive pleading within thirty (30) days of the exit date of this Order. Copy forwarded to all parties of record.

June 1, 2004

Plaintiff filed Acceptance of Service of Opinion and Order. Receipt of same acknowledged by attorney for Plaintiff June 1, 2004.

June 3, 2004

Defendant filed Acceptance of Service of Opinion and Order.
Receipt of same acknowledged by
Defendant June 2, 2004.

June 25, 2004

Defendant filed Answer. Copy forwarded to Plaintiffs.

June 28, 2004

Board issued letter to parties directing them to proceed with
discovery.

February 16, 2005

Plaintiff and Defendant filed a Joint Praecipe to Discontinue.
Copies forwarded to other parties of record.

March 3, 2005

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 3rd day of February, 2005, upon receipt of a Joint Praecipe to Discontinue advising the Board that "The Plaintiff, Mahanoy Township Authority ("MTA"), and the Defendant, the Commonwealth of Pennsylvania, Game Commission ("Commission"), have reached a mutual resolution as to all of the issues raised in the above-captioned action; and now do hereby jointly request that the above-captioned action be marked terminated, settled, discontinued, satisfied and released of record," executed by Michael D. Klein, Esquire, attorney for Plaintiff and William P. Pouss, Esquire, attorney for Defendant, and docketed with this Board under date of February 16, 2005, it is **ORDERED** and **DIRECTED** that said case be marked, "settled, ended and discontinued with prejudice." Copy forwarded to all parties of record.

March 7, 2005

Plaintiff filed Acceptance of Service of Opinion and Order.
Receipt of same acknowledged by Plaintiff March 7, 2005.

March 14, 2005

Defendant filed an Acceptance of Service of Opinion and Order. Receipt of same acknowledged by attorney for Defendant March 5, 2005.
