

Docket Number: 3694

CENTURY MOTORS, INC.

John De Virgilis, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA TRAFFIC COURT OF
PHILADELPHIA

Mary E. Butler, Esquire

CLOSED

February 20, 2004

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$50,000.00+ ACCEPTED FOR FURTHER PROCESSING.

February 25, 2004

Board issued Acknowledgment letter and forwarded a copy of Claim to Attorney General.

March 5, 2004

Chief Deputy Attorney General filed Acknowledgment Form of Claim. Receipt of same acknowledged March 2, 2004.

March 25, 2004

Defendant filed Answer and New Matter to Claimant's Statement of Claim.

April 1, 2004

Plaintiff filed Reply to New Matter of First Judicial District of Pennsylvania - Traffic Court of Philadelphia.

May 3, 2004

Plaintiff filed Notice of Service of Plaintiff's Interrogatories directed to Defendant.

May 24, 2004

Plaintiff filed Notice of Deposition of Honorable Fortunate N. Perry, Sr.

June 10, 2004

Defendant filed Motion for Judgment on the Pleadings and Memorandum of Law in Support of Motion for Judgment on the Pleadings.

June 10, 2004

Defendant filed Motion for Protective Order/Stay of any and all Proceedings Pending Disposition of Defendant's Motion for Judgment on the Pleadings and Memorandum in Support of Motion for Protective Order/Stay of any and all Proceedings Pending Disposition of Defendant's Motion for Judgment on the Pleadings.

June 21, 2004

Plaintiff filed Motion to Compel Discovery in the Nature of a Deposition of Defendant, Brief in Support of Motion as well as Proposed Order.

July 8, 2004

Plaintiff filed Reply to Defendant's Motion for Judgment on the Pleadings as well as Memorandum of Law in Support of Plaintiff's Reply to Defendant's Motion for Judgment on the Pleadings.

July 8, 2004

Plaintiff filed Reply to Defendant's Motion for Protective Order/Stay of Any and All Proceedings Pending Disposition of Defendant's Motion for Judgment on the Pleadings as well as Memorandum of Law in Support of Plaintiff's Reply to Defendant's Motion for Protective Order/Stay of Any and All Proceedings.

July 20, 2004

Defendant filed Response to Plaintiff's Motion to Compel Discovery and Brief.

July 20, 2004

Defendant filed Response to Plaintiff's Reply to Defendant's Motion for Judgment on the Pleadings.

August 3, 2004

Board issued and Opinion and Order. Order as follows: ~~A~~AND NOW, this 3rd day of August, 2004, after receipt and review of the Defendant's Motion for Judgment on the Pleadings and Plaintiff's Response thereto, it is hereby ORDERED and DECREED that the Motion for Judgment on the Pleadings is GRANTED unless, on or before twenty (20) days from the exit date of this Order, Plaintiff files an amended complaint. Plaintiff is granted twenty (20) days leave to amend its complaint in order to cure the jurisdictional defect noted herein.@ Copy forwarded to Plaintiff and Defendant.

August 9, 2004

Defendant filed Acceptance of Service of Opinion and Order dated August 3, 2004. Receipt of same acknowledged August 4, 2004.

***August 12, 2004**

Plaintiff filed Amended Statement of Claim and proof of mailing.
Amount of Claim: Unchanged.

August 12, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated August 3, 2004. Receipt of same acknowledged August 6, 2004.

August 17, 2004

Board issued Acknowledgment letter and forwarded a copy of Amended Statement of Claim to Attorney General.

August 24, 2004

Chief Deputy Attorney General filed Acknowledgment Form of Amended Complaint. Receipt of same acknowledged August 20, 2004.

September 13, 2004

Defendant filed Answer and New Matter to Plaintiff's Amended Statement of Claim, via facsimile.

September 14, 2004

Defendant filed Answer and New Matter to Plaintiff's Amended Statement of Claim, via U.S. Mail.

September 27, 2004

Plaintiff filed Reply to New Matter.

February 4, 2005

Defendant filed Motion for Protective Order/Stay of Any and All Proceedings Pending Plaintiff's Response to Defendant's First Request for Production of Documents, Memorandum of Law in Support of Motion, and Proposed Order.

February 22, 2005

Plaintiff filed Motion to Compel Discovery in the Nature of a Deposition of Defendant's Witness, Brief in Support of Motion and Proposed Order.

February 22, 2005

Plaintiff filed Response to Defendant's Motion for Protective Order and Stay Pending Plaintiff's Response to Defendant's Request for Production, Memorandum of Law in Response to Defendant's Motion and Proposed Order.

March 10, 2005

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 10th day of March, 2005, after review of Defendant's Motion for Protective Order, along with a Brief in support thereof and Plaintiff's Response, it is hereby **ORDERED** and **DECREED** that Defendant's Motion for Protective Order is hereby **DENIED**." Copy forwarded to Plaintiff and Defendant.

March 21, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated March 10, 2005. Receipt of same acknowledged March 14, 2005.

March 22, 2005

Defendant filed Response to Plaintiff's Motion to Compel Discovery, Memorandum of Law in Support of Response and Proposed Order.

March 23, 2005

Plaintiff filed, via facsimile, letter advising that as soon as Defendant confirms the date of April 21, 2005 for the deposition of Judge Perry, Plaintiff will agree that its Motion to Compel is moot.

March 25, 2005

Defendant filed Acceptance of Service of Opinion and Order dated March 10, 2005. Receipt of same acknowledged March 21, 2005.

March 29, 2005

Plaintiff filed letter, via facsimile, confirming that the deposition of Judge Perry is scheduled for April 21, 2005.

April 1, 2005

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 1st of April, 2005, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Compel Discovery in the Nature of a Deposition is **MOOT**."

April 7, 2005

Defendant filed Acceptance of Service of Opinion and Order dated April 1, 2005. Receipt of same acknowledged April 4, 2005.

April 8, 2005

Plaintiff filed Motion for a Bench Warrant to Compel Compliance with Subpoena Issued to the Philadelphia Parking Authority, Brief in Support of Motion for Bench Warrant, as well as Proposed Order.

***April 26, 2005**

Philadelphia Parking Authority filed Entry of Appearance of Michael V. Tamari, Esquire, on behalf of Philadelphia Parking Authority as well as letter advising that they have yet to receive a copy of Plaintiff's Motion for Bench Warrant.

May 9, 2005

Philadelphia Parking Authority filed Response to Motion for a Bench Warrant to Compel Compliance with Subpoena and Brief in Support of Response to Motion for a Bench Warrant.

May 9, 2005

Philadelphia Parking Authority filed Motion for Protective Order and Brief in Support of Motion for Protective Order.

May 23, 2005

Plaintiff filed Reply to Philadelphia Parking Authority's Motion for Protective Order, Brief in Support of Reply as well as Proposed Order.

May 23, 2005

Plaintiff filed Reply to Parking Authority's Response to Plaintiff's Motion for Bench Warrant to Compel Compliance with Subpoena, Brief in Support of its Reply as well as Proposed Order. Copy forwarded to parties.

June 9, 2005

Board issued Opinion and Order. Order as follows: "**AND NOW**, this 9th of June, 2005, it is hereby **ORDERED** and **DECREED** that after receipt and review of the following: 1) Plaintiff's Motion for a Bench Warrant to Compel Compliance with Subpoena; along with a Brief in Support thereof; 2) Philadelphia Parking Authority's Response thereto, along with a Brief in Support thereof; 3) Plaintiff's Response to the Philadelphia Parking Authority's Response to Plaintiff's Motion for Bench Warrant; 4) Philadelphia Parking Authority's Motion for Protective Order, along with a Brief in Support thereof; and 5) Plaintiff's Response to Philadelphia Parking Authority's Motion for Protective Order, along with a Brief in Support thereof, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion for Bench Warrant to Compel Compliance with Subpoena issued to the Philadelphia Parking Authority is hereby **GRANTED**. The custodian of records for the Philadelphia Parking Authority is hereby **ORDERED** to appear at a deposition within thirty (30) days from the exit date of this Order as scheduled by Plaintiff and produce the requested documents listed in Plaintiff's Subpoena. The Philadelphia Parking Authority's Motion for Protective Order is hereby **DENIED**." Copy forwarded to Plaintiff, Defendant and The Philadelphia Parking Authority.

June 24, 2005

Defendant filed Acceptance of Service of Opinion and Order dated June 9, 2005. Receipt of same acknowledged June 16, 2005.

March 19, 2008

Board forwarded letter to parties requesting Status Report.

April 21, 2008

Defendant transmitted via fax status letter advising that discovery is complete and matter is ready for trial.

April 23, 2008

Defendant filed status report advising that discovery is complete and matter is ready for trial.

April 28, 2008

Board forwarded letter to parties requesting scheduling information.

May 13, 2008

Plaintiff transmitted via fax proposed scheduling order.

May 16, 2008

Plaintiff filed proposed scheduling order.

May 19, 2008

Defendant transmitted via fax that it has no objection to Plaintiff's proposed scheduling order.

May 21, 2008

Defendant filed proposed scheduling order.

May 29, 2008

Board rendered Scheduling Order. Order as follows: "**AND NOW**, this 29th day of May, 2008, it is hereby **ORDERED** and **DECREED** as follows: 1. The last day for plaintiff's expert report, if any, to be provided to defendant is June 16, 2008¹; 2. The last day for defendant's expert report, if any, to be provided to plaintiff is June 26, 2008¹; 3. All discovery, including exchange of expert rebuttal reports, shall be completed by July 11, 2008²; 4. The last day for filing pre-trial motions is July 15, 2008²; 5. Pre-trial statements of both parties shall be filed with the Board and served upon one another no later than August 18, 2008 (Please note BOC R.P. 501(b) and (c)(3)); 6. A pre-trial conference is scheduled for

May 29, 2008 (Continued)

Monday, August 25, 2008 at 1:00 p.m. Said conference shall be held at 200 North Third Street, Fulton Building, 7th Floor, Harrisburg, PA 17101; 7. This matter is set for hearing beginning on Monday, October 6, 2008, and continuing as necessary. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 commencing at 9:30 a.m." Copy forwarded to Plaintiff and Defendant.

June 23, 2008

Defendant filed Acceptance of Service of Scheduling Order dated May 29, 2008. Receipt of same acknowledged May 30, 2008.

August 12, 2008

Plaintiff filed Pre-Trial Statement.

August 18, 2008

Defendant transmitted via fax Pre-Trial Statement.

August 25, 2008

Board pre-trial conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101 commencing at 1:00 p.m.

September 18, 2008

Defendant requested (234.1 - to attend with duces tecum) subpoenas.

September 18, 2008

Board forwarded (234.1 - to attend with duces tecum) subpoenas dated September 18, 2008 Defendant.

September 23, 2008

Defendant filed Trial Exhibits.

September 24, 2008

Defendant filed Pre-Trial Statement.

September 26, 2008

Plaintiff filed Stipulation of the Parties signed by both Plaintiff and Defendant.

October 6, 2008

Panel Hearing held in Fulton Building, Court Room #2, 200 North Third Street, Harrisburg, Pa commencing at 9:30 A.M. CASE COMPLETE

October 14, 2008

Plaintiff filed Deposition of Dennis Rosen.

October 16, 2008

Panel member Louis Martin forwarded letter to attorney for Plaintiff and Defendant regarding Attorney Butler's letter of October 14, 2008; Attorney DeVirgilis's letter dated October 15, 2008, accompanied by a copy of a letter dated October 7, 2008 to Ms. Butler, a copy of a letter dated September 24, 2008 to Judge Smith and an executed stipulation of the parties which was forwarded to Judge Smith under cover of Mr. DeVirgilis's letter of September 24, 2008 as well as requesting Attorney DeVirgilis to file the discs in question with the Board immediately upon receipt of his letter. The discs, this letter and the correspondence referred to in this letter all shall be incorporated into the record.

October 22, 2008

Testimony of panel hearing held October 6, 2008 filed. Copy forwarded to attorney for Defendant. (last day of testimony)

October 23, 2008

Board forwarded copy of testimony of panel hearing held October 6, 2008 to Defendant.

October 30, 2008

Defendant filed Acceptance of Service of Testimony dated October 23, 2008. Receipt of same acknowledged October 28, 2008.

December 5, 2008

Plaintiff filed Findings of Facts and Conclusion of Law.

January 12, 2009

Defendant transmitted via fax a Motion for Enlargement of Time Nunc Pro Tunc requesting the filing of Defendant's Findings of Facts and Conclusion of Law be considered timely filed.

January 12, 2009

Defendant transmitted via fax Findings of Facts and Conclusion of Law.

January 13, 2009

Defendant filed via U.S. Mail a Motion for Enlargement of Time Nunc Pro Tunc requesting the filing of Defendant's Findings of Facts and Conclusion of Law be considered timely filed.

January 13, 2009

Defendant filed via U.S. Mail Findings of Facts and Conclusion of Law and Legal Brief.

January 27, 2009

Plaintiff filed Response to Defendant's Legal Brief.

February 1, 2009

Data back-up (cd's) of Dennis Rosen's deposition received by Panel Member and forwarded to the Board with Panel Report thereafter.

March 23, 2009

Panel report submitted.

September 4, 2009

Plaintiff filed letter requesting the Board's decision to the hearing.

October 9, 2009

Board rendered Final Opinion and Order. Order as follows: " **AND NOW**, this 9th day of October 2009, the Board of Claims hereby enters judgment in favor of the Defendant, Commonwealth of Pennsylvania, First Judicial District of Pennsylvania - Traffic Court of Philadelphia, and against the Plaintiff, Century Motors, Inc. No monetary award is made in this matter. Each party shall bear its own costs and attorneys' fees." Copy forwarded to Plaintiff and Defendant.

October 16, 2009

Defendant filed Acceptance of Service of opinion and order dated October 9, 2009. Receipt of same acknowledged October 14, 2009.
