

Docket Number: 3697

ROLAND CADLE

~~David J. Weaver, Esquire~~
~~Daniel G. Walter, Esquire~~
Roland Cadle, Pro Se
Myron I. Markovitz, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF MILITARY AND VETERAN'S AFFAIRS

~~Narciso Rodriguez Cayre, Chief Counsel~~
Stephen J. Bushinski, Esquire, Chief Counsel

December 17, 2003

By Order of the Commonwealth Court of Pennsylvania, case filed, Order as follows: ~~ANOW~~, December 17, 2003, upon review of petitioner's complaint, and it appearing that petitioner alleges a breach of contract, this matter is transferred to the Board of Claims because the Commonwealth Court lacks jurisdiction to hear such matters pursuant to 42 Pa. C.S. '761(a)(1)(iv). The Chief Clerk shall certify to the Board of Claims a copy of the docket entries of the above matter and shall transmit to the Board the record thereof.@

THE FOLLOWING FILED IN COMMONWEALTH COURT

December 15, 2003

Petition for Review Filed.

December 17, 2003

This matter is transferred to the Board of Claims because Commonwealth Court lacks jurisdiction to hear such matters.

February 23, 2004

Transfer to Tribunal - Board of Claims.

BEFORE THE BOARD OF CLAIMS

December 17, 2003

Commonwealth Court transferred record.

February 26, 2004

Board of Claims received file from Commonwealth Court. Amount of Claim: Not specified

March 1, 2004

Board issued letter to Plaintiff requesting additional copies of complaint, proof of mailing and filing fee.

April 5, 2004

Plaintiff filed additional copies of Claim, proof of mailing and filing fee.

April 6, 2004

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

April 9, 2004

Attorney General filed Acknowledgment Form of Claim. Receipt of same acknowledged April 8, 2004.

May 5, 2004

Defendant filed Entry of Appearance of Stephen J. Bushinski, Esquire, on behalf of Defendant.

May 5, 2004

Defendant filed uncontested Motion for Enlargement of Time.

May 11, 2004

Board issued Order. Order as follows: **AND NOW**, this 11th day of May, 2004, upon consideration of Defendant's Motion for Enlargement of Time to File Responsive Pleading, and it appearing that said Motion is uncontested, Defendant's request for an additional twenty (20) days to file a responsive pleading is hereby **GRANTED**. Respondent is directed to file a responsive pleading to Plaintiff's Petition for Review in the Nature of a Complaint no later than May 25, 2004.

May 19, 2004

Defendant filed Acceptance of Service of Order dated May 11, 2004. Receipt of same acknowledged May 13, 2004.

May 21, 2004

Plaintiff filed Acceptance of Service of Order dated May 11, 2004. Receipt of same acknowledged May 18, 2004.

May 21, 2004

Defendant filed Answer and New Matter.

June 7, 2004

Plaintiff filed Reply to New Matter.

June 14, 2004

Plaintiff filed Verification to Reply to New Matter.

March 8, 2005

Board issued letter to parties requesting Status Report. Status Report due April 7, 2005.

March 15, 2005

Defendant filed letter requesting this matter be held in abeyance pending settlement negotiations.

November 28, 2005

Plaintiff filed a Motion for Leave to Withdraw as Counsel and Proposed Order.

November 29, 2005

Board forwarded letter to Plaintiff requesting information as to who the new contact person would be for this case.

December 7, 2005

Plaintiff filed letter advising that Plaintiff intends to proceed pro se.

December 15, 2005

Board rendered Opinion and Order. Order as follows: "AND NOW, this 15th day of December, 2005, it is hereby **ORDERED** and **DECREED** that David J. Weaver's motion for leave to withdraw as counsel for Plaintiff, Roland Cadle, is **GRANTED**." Copy forwarded to Plaintiff and Defendant.

December 21, 2005

Plaintiff filed Acceptance of Service of Opinion and Order dated December 15, 2005. Receipt of same acknowledged December 19, 2005.

January 11, 2006

Plaintiff filed Acceptance of Service of Opinion and Order dated December 15, 2005. Receipt of same acknowledged January 6, 2006.

January 19, 2006

Plaintiff (Roland Cadle) filed Acceptance of Service of Opinion and Order dated December 15, 2005. Receipt of same acknowledged December 25, 2006.

September 8, 2006

Defendant filed a Notice of Service of Defendant's First Request for Production of Documents.

January 26, 2007

Defendant filed a Notice of Service of Defendant's Request for Admissions.

February 26, 2008

Defendant filed Motion to Compel Answer to Requests for Discovery.

February 27, 2008

Board forwarded letter to Plaintiff directing response to Defendant's motion to compel answer to requests for discovery.

April 17, 2008

Board rendered Opinion and Order. Order as follows: "**AND NOW**, this 17th day of April, 2008, upon receipt and review of Defendant's motion to compel answer to requests for discovery and Plaintiff's failure to respond thereto, Defendant's motion is **GRANTED**. It is hereby **ORDERED** and **DECREED** that Plaintiff shall answer Defendant's request for production of documents and Defendant's request for admissions within 30 days from the date of this order." Copy forwarded to Plaintiff and Defendant.

April 17, 2008

Defendant filed letter advising Board that Plaintiff has not responded to Motion to Compel Answer to Requests for Discovery and requests that the Board issue an order directing Plaintiff to file answer to Defendant's September 8, 2006 Request for Production of Documents and Defendant's January 26, 2007 Request for Admissions within 30 days.

April 28, 2008

Defendant filed Acceptance of Service of Opinion and Order dated April 17, 2008. Receipt of same acknowledged April 22, 2008.

August 11, 2008

Defendant filed Motion for Sanctions and a Brief in Support as well as a Notice of Service. [04A09162008D]

October 6, 2008

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 6th day of October, 2008, upon receipt and review of Defendant's Motion for Sanctions and Plaintiff's failure to comply with the Order of the Board dated April 17, 2008, it is hereby **ORDERED** and **DECREED** that Plaintiff is prohibited from introducing into evidence any documents requested by Defendant in its Request for Production of Documents and that the admissions requested by Defendant in its Request for Admissions are deemed admitted and established for the purpose of this action." Copy forwarded to Plaintiff and Defendant.

October 17, 2008

Defendant filed Acceptance of Service of Opinion and Order dated October 6, 2008. Receipt of same acknowledged October 15, 2008.

October 29, 2008

Defendant filed letter advising that the parties reached an amicable settlement agreement and request an order be issued dismissing case.

October 30, 2008

Board forwarded letter to Plaintiff requesting Praecipe to Discontinue.

November 6, 2008

Plaintiff filed Praecipe to Satisfy, Settle & Discontinue and requested to hold Praecipe until Board receives notice of payment.

January 12, 2009

Plaintiff filed letter advising receipt of payment and requesting the matter be marked satisfied, settled, discontinued and forever ended.

January 13, 2009

Board rendered Praecipe Order. Order as follows: "**AND NOW**, this 13th day of January, 2009, upon receipt of a praecipe, executed by Myron I. Markovitz, Esquire, on behalf of Plaintiff, Roland Cadle, requesting that the Board mark the above-captioned matter satisfied, settled, discontinued and ended, docketed with this Board under date of January 12, 2009, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

January 20, 2009

Plaintiff filed Acceptance of Service of Order dated January 13, 2009. Receipt of same acknowledged January 15, 2009.

January 22, 2009

Defendant filed Acceptance of Service of Order dated January 13, 2009. Receipt of same acknowledged January 15, 2009.
