

Docket Number: 3728

ABDULLAH ALTUNBAS d/b/a DESIGN PAINTING

Daniel R. Utain, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR & INDUSTRY,
STATE WORKERS' INSURANCE FUND**

Roger H. Caffier, Chief Counsel
Elaine Lytle Mead, Deputy Chief Counsel
James D. Jordan, Esquire

CLOSED

FOLLOWING FILED AT THE BOARD OF FINANCE AND REVENUE:

July 26, 2004

Plaintiff filed Petition Form.

BEFORE THE BOARD OF CLAIMS:

September 8, 2004

Board of Finance and Revenue transferred petition to Board of Claims. Amount of Claim: unspecified.

September 9, 2004

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

September 15, 2004

Plaintiff filed copies of claim, filing fee and proof of mailing. Accepted for further processing.

September 16, 2004

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

September 24, 2004

Attorney General filed Acknowledgment form of Claim. Receipt of same acknowledged September 22, 2004.

October 14, 2004

Defendant filed Preliminary Objections and Brief in Support. Copy forwarded to Plaintiff.

October 18, 2004

Defendant filed Entry of Appearance of James D. Jordan, Esquire and Elaine Lytle Mead, Esquire, on behalf of Defendant. Copy forwarded to Plaintiff.

October 27, 2004

Plaintiff filed Response to Preliminary Objections and Memorandum of Law in Opposition.

November 18, 2004

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 18th day of November, 2004, the Preliminary Objections of the Defendant, Commonwealth of Pennsylvania, Department of Labor & Industry, State Workers' Insurance Fund, are **SUSTAINED IN PART** and **DENIED IN PART**. The objections pertaining to subject matter jurisdiction and sovereign immunity are hereby **DENIED**. The objection based on the requirement of discrete numbered paragraphs is hereby **SUSTAINED**. Plaintiff shall have thirty (30) days from the exit date of this Order to file an amended complaint." Copy forwarded to Plaintiff and Defendant.

November 24, 2004

Plaintiff filed Acceptance of Service of Opinion and Order dated November 18, 2004. Receipt of same acknowledged undated.

December 10, 2004

Plaintiff filed Amended Complaint and proof of mailing. Amount of Claim: unspecified.

December 13, 2004

Board issued Acknowledgment letter and forwarded copy of Amended Complaint to Attorney General.

December 17, 2004

Attorney General filed Acknowledgment form of Amended Claim. Receipt of same acknowledged December 15, 2004.

January 10, 2005

Defendant filed Answer to Amended Complaint with New Matter and Counterclaim. Copy forwarded to Plaintiff.

January 18, 2005

Defendant filed Certificate of Service of Defendant's Response to Plaintiff's Request for Production of Documents.

February 2, 2005

Plaintiff filed Reply to New Matter and Answer to Counterclaim with New Matter. Copy forwarded to Defendant.

February 28, 2005

Defendant filed Reply to New Matter on Counterclaim. Copy forwarded to Plaintiff.

March 7, 2006

Board forwarded letter to parties requesting status report.

March 17, 2006

Defendant filed a letter advising that the parties entered into a settlement agreement and release and that the Defendant's counterclaim can be marked ended, settled and discontinued.

March 31, 2006

Plaintiff filed letter advising that the parties have entered into a settlement agreement and the case can be marked settled, discontinued and ended.

April 3, 2006

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 3rd day of April, 2006, upon receipt of a letter advising the Board that ". . . please mark the claim of Abdullah Altunbas d/b/a Design Painting settled, discontinued and ended.", executed by Daniel R. Utain, Esquire, attorney for Plaintiff (docketed with this Board under date of March 31, 2006) and a letter from James D. Jordan, Esquire, attorney for Defendant indicating that the counterclaim in this matter may also be marked ended, settled and discontinued (docketed with this Board under date of March 17, 2006), it is **ORDERED** and **DECREED** that said case be marked "settled, discontinued and ended with prejudice."

April 10, 2006

Plaintiff filed Acceptance of Service of Order dated April 3, 2006. Receipt of same acknowledged April 6, 2006.
