

Docket Number: 3795

PATRICIA ALINCIC

Jon M. Lewis, Esquire

VS.

MORGAN CORPORATION

Regis J. Moeller, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR & INDUSTRY,  
OFFICE OF VOCATIONAL REHABILITATION

Robert C. Schramm, Assistant Counsel

**September 6, 2005**

By Order of the Court of Common Pleas of Westmoreland County, case filed, Order as follows: "And now, this 6<sup>th</sup> day of September, 2005, in accordance with the foregoing Decision, it is hereby ORDERED and DECREED that the Preliminary Objection raising lack of subject matter jurisdiction over the claim by Defendant Morgan against Additional Defendant Commonwealth of Pennsylvania, Department of Labor & Industry, Office of Vocational Rehabilitation is hereby GRANTED and the claim is transferred to the Board of Claims. It is further ORDERED and DECREED that this Court lacks subject matter jurisdiction over Plaintiff's claim against Defendant Morgan Corporation and that claim is also transferred to the Board of Claims. The Prothonotary is directed to transfer the record and a certified copy of the docket entries in this matter to the Clerk of the Board of Claims."

**THE FOLLOWING FILED IN COURT OF COMMON PLEAS OF WESTMORELAND COUNTY**

**November 30, 2004**

Complaint filed.

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**December 16, 2004**

Praecipe for Appearance filed.

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**December 28, 2004**

Praecipe for Writ to Join Additional Defendant filed.

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**December 30, 2004**

Preliminary Objections in the Nature of a Demurrer filed.

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**December 30, 2004**

Brief in Support of Preliminary Objections filed.

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**January 3, 2005**

Sheriff Return.

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**January 7, 2005**

Plaintiff's Brief Opposing Preliminary Objections filed.

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**January 12, 2005**

Order.

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**January 26, 2005**

Amended Complaint filed.

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**February 9, 2005**

Preliminary Objections in Nature of Demurrer filed.

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**February 9, 2005**

Brief in Support of Preliminary Objections filed.

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**February 25, 2005**

Sheriffs Return.

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**March 7, 2005**

Praecipe to Rule to File Complaint filed.

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**March 7, 2005**

Certificate of Service filed.

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**April 1, 2005**

Plaintiff's Brief Opposing Second Set of Preliminary Objections filed.

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**April 4, 2005**

Order.

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**May 2, 2005**

Rule.

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**May 2, 2005**

Rule.

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**May 10, 2005**

Answer & New Matter filed.

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**May 24, 2005**

Complaint of Defendant to Join Additional Defendant filed.

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**June 9, 2005**

Preliminary Objections in the Nature of a Demurrer filed.

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**June 29, 2005**

Defendant Morgan Corporation's Response filed.

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**August 3, 2005**

Brief in Support of Preliminary Objections filed.

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**August 19, 2005**

Defendant Morgan Corporation's Brief in Opposition filed.

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**September 6, 2005**

Decision and Order.

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**BEFORE THE BOARD OF CLAIMS**

**September 6, 2005**

Court of Common Pleas of Westmoreland County transferred record.

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**September 15, 2005**

Board of Claims received file from Court of Common Pleas of Westmoreland County. Amount of Claim: \$11,350.00+.

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**September 20, 2005**

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

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**November 14, 2005**

Board issued a second letter to Plaintiff requesting additional information, restated claim, proof of mailing, verification and filing fee.

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**November 21, 2005**

Plaintiff filed copies of claim, proof of mailing and filing fee. Amount of Claim: \$11,350.00. ACCEPTED FOR FURTHER PROCESSING.

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**November 22, 2005**

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

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**November 30, 2005**

Attorney General filed Acknowledgment of claim form. Receipt of same acknowledged November 28, 2005.

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**December 20, 2005**

Defendant, Morgan Corporation, filed Answer and Affirmative Defenses to Plaintiff's Restated Claim. Copy forwarded to Attorney for Plaintiff and Attorney for Additional Defendant, OVR.

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**December 20, 2005**

Defendant, Morgan Corporation, filed Restated Claim against the Additional Defendant, OVR.

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**January 9, 2006**

Plaintiff filed Reply to New Matter. Copy forwarded to  
Defendant and Additional Defendant.

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**January 10, 2006**

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

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**January 13, 2006**

Additional Defendant filed Preliminary Objections in the Nature of a Demurrer to Defendant's Restated Claim and Brief in Support. Copy forwarded to Plaintiff and Defendant.

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**February 13, 2006**

Defendant filed Response to Preliminary Objections and Brief in Opposition. Copy forwarded to all parties of record.

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**February 13, 2006**

Defendant filed a letter advising the Board that the parties have reached a tentative settlement and are merely awaiting the finalization of the settlement agreement before filing a praecipe to discontinue.

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**February 14, 2006**

Board forwarded letter to parties advising that the Board will postpone action on the preliminary objections for 60 days pending the finalization of the tentative settlement.

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**March 22, 2006**

Attorney General filed Acceptance of Service of Restated Claim of Defendant, Morgan Corporation, against Additional Defendant, OVR, dated December 20, 2005. Receipt of same acknowledged December 27, 2005.

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**April 3, 2006**

Defendant filed letter (addressed to Plaintiff) forwarding a copy of the signed settlement agreement and a check to Plaintiff covering Defendant's portion of the settlement agreement and advising that Additional Defendant should be sending their portion of the settlement within the next 6 weeks.

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**July 11, 2006**

Board forwarded letter to parties requesting Plaintiff and Defendant file a praecipe dismissing their claims.

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**July 21, 2006**

Plaintiff filed Praecipe to Settle. Copy forwarded to Defendant and Additional Defendant.

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**August 25, 2006**

Defendant filed letter advising that a global settlement was reached between the parties and that the case can be marked as settled and discontinued as to all claims.

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**August 29, 2006**

Board rendered an Order. Order as follows: "**AND NOW**, this 29<sup>th</sup> day of August, 2006, upon receipt of a praecipe to the Board to mark this matter settled, discontinued, and ended, executed by Jon M. Lewis, Esquire, attorney for Plaintiff, Patricia Alincic, and a letter from Regis J. Moeller, Esquire, attorney for Defendant, Morgan Corporation, representing that the settlement included the Defendant's claim against Additional Defendant, Commonwealth of Pennsylvania, Department of Labor & Industry, Office of Vocational Rehabilitation and requesting that the case be marked settled and discontinued with respect to Morgan Corporation's claims against the Office of Vocational Rehabilitation as well, it is hereby **ORDERED** and **DECREED** that this case be marked settled, discontinued and ended with prejudice as to all claims." Copy forwarded to all parties of record.

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**September 5, 2006**

Additional Defendant filed Acceptance of Service of Order dated August 29, 2006. Receipt of same acknowledged September 1, 2006.

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**September 13, 2006**

Defendant filed Acceptance of Service of Order dated August 29,



2006. Receipt of same acknowledged September 5, 2006.

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**September 14, 2006**

Plaintiff filed Acceptance of Service of Order dated August 29, 2006. Receipt of same acknowledged September 5, 2006.

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