

Docket Number: 3801

THE FOUNDATION FOR ENTREPRENEURIAL STUDIES, a nonprofit corporation, and THE EDGE CENTER MANAGEMENT L.L.C., a Pennsylvania limited liability company and general partnership of THE EDGE CENTER LIMITED, a Pennsylvania limited partnership

Albert Nicholas Peterlin, Esquire  
Byron Lee McMasters, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA  
STATE SYSTEM OF HIGHER EDUCATION,  
KUTZTOWN

Jeffrey Cooper, Chief Counsel  
Andrew C. Lehman, University Legal Counsel  
Wayne S. Melnick, University Legal Counsel

**September 19, 2005**

By Order of the Commonwealth Court, case filed, Order as follows: "NOW, September 19, 2005, upon consideration of the above-captioned matter, and it appearing that this Court does not have jurisdiction over this appeal, this matter is *sua sponte* transferred to the Board of Claims. The Chief Clerk shall certify a photocopy of the docket entries of the above matter and the record to the Secretary of the Board of Claims."

**THE FOLLOWING FILED IN COMMONWEALTH COURT**

**September 15, 2005**

Complaint filed.

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**September 19, 2005**

This matter is *sua sponte* TRANSFERRED to the Board of Claims.

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**September 21, 2005**

Return of Service of Complaint upon Pennsylvania Office of Attorney General by personally handing it to Lauren Hatalla, Secretary. So answers J.R. Lotwick Sheriff of Dauphin County.

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**October 7, 2005**

Application to Transfer filed.

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**October 7, 2005**

Respondent's Brief filed in support of Defendant's motion to transfer complaint.

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**October 11, 2005**

Order filed. The motion to transfer is DISMISSED as supererogatory in light of this court's order of 9/19/05.

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**BEFORE THE BOARD OF CLAIMS**

**September 21, 2005**

Commonwealth Court transferred the record.

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**October 21, 2005**

Board of Claims received file from Commonwealth Court. Amount of Claim: unknown.

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**October 24, 2005**

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

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**October 31, 2005**

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

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**November 1, 2005**

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

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**November 4, 2005**

Board forwarded letter to Plaintiff, with copy to Defendant, requesting additional information.

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**November 7, 2005**

Attorney General filed Acknowledgment of Claim dated November 1, 2005. Receipt of same acknowledged November 3, 2005.

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**December 1, 2005**

Plaintiff filed restated claim and proof of mailing. Amount of Claim: \$226,841.42.

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**December 5, 2005**

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

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**December 12, 2005**

Defendant filed Entry of Appearance of Andrew C. Lehman, Esquire and Wayne S. Melnick, Esquire on behalf of Defendant. Copy forwarded to Plaintiff.

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**December 14, 2005**

Attorney General filed Acknowledgment of Restated Claim dated December 5, 2005. Receipt of same acknowledged December 12, 2005.

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**December 27, 2005**

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

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**January 18, 2006**

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

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**January 20, 2006**

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

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**January 31, 2007**

Board forwarded letter to parties requesting a status report.

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**February 13, 2007**

Defendant filed status letter advising that Defendant filed a motion to compel.

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**February 15, 2007**

Defendant filed Motion to Compel Answers to Interrogatories and

Proposed Order. Copy forwarded to Plaintiff.

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**March 20, 2007**

Plaintiff filed Motion to Discontinue and Consent to Discontinue signed by Defendant.

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**March 21, 2007**

Board rendered an Opinion and Order. Order as follows: **"AND NOW,** this 21<sup>st</sup> day of March, 2007, it is **ORDERED** and **DECREED** that the above referenced case shall be marked closed and discontinued with prejudice." Copy forwarded to Plaintiff and Defendant.

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**April 2, 2007**

Defendant filed Acceptance of Service of Opinion and Order dated March 21, 2007. Receipt of same acknowledged March 22, 2007.

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**April 2, 2007**

Plaintiff filed Acceptance of Service of Opinion and Order dated March 21, 2007. Receipt of same acknowledged March 22, 2007.

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