

Docket Number: 3909

AMERIGO C. AND JANICE T. DASCOLI, h/w

Gary S. Auerbach, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

Christopher R. Momjian, Senior Deputy Attorney General

CLOSED

August 9, 2007

By Order of the Commonwealth Court, case filed, Order as follows:
"NOW, August 9, 2007, upon consideration of petitioner's motion to transfer this action to the Court of Common Pleas of Montgomery county, respondent's preliminary objections to petition for review, and petitioner's petition for review in the nature of a complaint for specific performance, and it appearing that the petition for review seeks specific performance of an agreement between the parties, and it further appearing that the Board of Claims has jurisdiction in this matter, the motion to transfer to the Court of Common Pleas is denied and this matter, including respondent's preliminary objections, are transferred to the Board of Claims."

THE FOLLOWING FILED IN COMMONWEALTH COURT

April 2, 2007

Petition for Review filed.

June 1, 2007

Preliminary objections.

June 4, 2007

Order filed. The Chief Clerk shall list said POs for oral argument on the Nov. 2007 argument list in Hbg. Resp's brief in support of POs (15 copies) shall be filed by 7/13/2007. Petitioners' brief in opposition to POs (15 copies) shall be filed by 8/13/2007.

June 4, 2007

Tentative Argument Nov. 2007.

July 25, 2007

Order filed. Respondent is directed to file brief in support of POs by 8/8/2007 or said POs will be dismissed as of course.

August 1, 2007

Application to Transfer this action to the Court of Common Pleas of Montgomery Co.

August 9, 2007

The motion to transfer to the Court of Common Pleas is DENIED and this matter, including resp's POs are TRANSFERRED to the Board of Claims.

August 28, 2007

Transfer to Tribunal. Transferred to the Board of Claims.

BEFORE THE BOARD OF CLAIMS

August 30, 2007

Commonwealth Court transferred record.

August 30, 2007

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

August 31, 2007

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

***October 15, 2007**

Plaintiff filed Complaint and filing fee. Amount of Claim: unknown.

October 15, 2007

Board called Plaintiff advising of filing deficiency: lacks proof of mailing. Faxed notice of deficiency to Plaintiff.

October 24, 2007

Plaintiff filed proof of mailing of claim to Defendant. ACCEPTED FOR FURTHER PROCESSING.

November 5, 2007

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

November 5, 2007

Defendant filed Preliminary Objections to Plaintiff Complaint. [05A122607D]

November 5, 2007

Defendant filed letter as entry of appearance of Christopher R. Momjian, Senior Deputy Attorney General as counsel of record for Defendant.

November 6, 2007

Board forwarded letter to Defendant requesting brief in support of its preliminary objections.

November 6, 2007

Board forwarded letter to Plaintiff requesting response to preliminary objections.

November 14, 2007

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged November 9, 2007.

November 16, 2007

Defendant filed Brief in Support of Preliminary Objections.

December 14, 2007

Plaintiff transmitted via fax a letter requesting an extension of time until December 24, 2007, in which to file a response to Defendant's preliminary objections.

December 17, 2007

Plaintiff filed a letter requesting an extension of time until December 24, 2007, in which to file a response to Defendant's preliminary objections.

December 18, 2007

Board forwarded letter to Plaintiff, with copy to Defendant, granting an extension of time until December 24, 2007, in which to file a response to Defendant's preliminary objections.

December 26, 2007

Plaintiff filed Reply to Defendant's Preliminary Objections and Brief.

December 31, 2007

Plaintiff filed Brief in Opposition to the Defendant's Preliminary Objections.

February 7, 2008

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 7th day of February, 2008, after reviewing Defendant's preliminary objections and Plaintiffs' response thereto it is hereby **ORDERED** and **DECREED** that Defendant's preliminary objections are **GRANTED** and Plaintiffs' complaint is **DISMISSED**. Plaintiff is **GRANTED** 30 days from the date of this Order to file an amended complaint." Copy forwarded to Plaintiff and Defendant.

February 25, 2008

Attorney General filed Acceptance of Service of Opinion and Order dated February 7, 2008. Receipt of same acknowledged on February 11, 2008.

***March 10, 2008**

Plaintiff filed Amended Claim and proof of mailing. Amount of Claim: unchanged.

March 11, 2008

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

March 27, 2008

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged March 13, 2008.

April 18, 2008

Defendant filed preliminary objections and brief in support. [06A060608D]

May 20, 2008

Plaintiff filed letter requesting a two week extension of time in which to file a response to Defendant's preliminary objections.

May 21, 2008

Board forwarded letter to Plaintiff, with copy to Defendant, granting a two week extension of time for Plaintiff to file a response to Defendant's preliminary objections.

June 5, 2008

Plaintiff transmitted via facsimile a letter advising that Plaintiff's brief in opposition to Defendant's preliminary objections will be filed no later than June 6, 2008.

June 6, 2008

Plaintiff filed Reply to Preliminary Objections and Brief in Opposition.

June 26, 2008

Board issued Opinion and Order. Order as follows: **"AND NOW,** this 26th day of June, 2008, after reviewing Defendant's preliminary objections to the Plaintiffs'amended complaint and Plaintiffs' response thereto it is hereby **ORDERED** and **DECREED** that Defendant's preliminary objection to the Plaintiffs' amended complaint for lack of personal jurisdiction is **GRANTED**. Plaintiffs' amended complaint is **DISMISSED** with prejudice." Copy forwarded to Plaintiff and Defendant.