

Docket Number: 3923

**RICHARD E. KELLY**

Richard E. Kelly, Pro Se  
~~Paula J. McDermott, Esquire~~

VS.

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA STATE POLICE**

~~Barbara L. Christie, Chief Counsel~~  
Thomas F. Jakubiak, Assistant Counsel

**\*November 30, 2007**

Plaintiff filed Claim and filing fee. Amount of Claim: \$716,252.54.

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**December 3, 2007**

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

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**December 31, 2007**

Plaintiff filed Proof of Mailing.

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**January 9, 2008**

Plaintiff filed verification. ACCEPTED FOR FURTHER PROCESSING.

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**January 10, 2008**

Plaintiff filed verification.

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**January 10, 2008**

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

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**January 22, 2008**

Defendant filed Preliminary Objections to Plaintiff's claim, Brief in Support, Praecipe for Entry of Appearance of Thomas F. Jakubiak, Assistant Counsel on behalf of Defendant and Notice to Plead.

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**January 25, 2008**

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged January 23, 2008.

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**February 28, 2008**

Plaintiff transmitted via facsimile a letter requesting a 30 day extension of time in which to file its reply to preliminary objections.

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**February 28, 2008**

Plaintiff filed Entry of Appearance of Paula J. McDermott, Esquire.

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**February 28, 2008**

Plaintiff filed Motion for Enlargement of Time until March 7, 2008, in which to Respond to Defendant's Preliminary Objections.

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**February 29, 2008**

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 29<sup>th</sup> day of February, 2008, upon receipt and review of Plaintiff's motion for enlargement of time in which to respond to Defendant's preliminary objections, Plaintiff is **GRANTED** said enlargement until March 7, 2008, to file his response to Defendant's preliminary objections." Copy forwarded to Plaintiff and Defendant.

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**March 6, 2008**

Defendant filed Acceptance of Service of Opinion and Order dated February 29, 2008. Receipt of same acknowledged March 3, 2008.

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**March 7, 2008**

Plaintiff filed Answer to Preliminary Objections and Proposed Order.

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**March 13, 2008**

Board rendered Order. Order as follows: " **AND NOW**, this 13<sup>th</sup> day of March, 2008, upon consideration of the Defendant's Preliminary Objections and Plaintiff's response thereto, it is hereby **ORDERED** and **DECREED** that Plaintiff be given 30 days in which to file an amended statement of claim and that Defendant's time for filing a responsive pleading be extended until 30 days following the submission of the amended statement of claim. It is further **ORDERED** and **DECREED** that the Defendant's extant preliminary objections will be considered moot upon the filing of Plaintiff's amended statement of claim." Copy forwarded to Plaintiff and Defendant.

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**March 13, 2008**

Plaintiff filed Acceptance of Service of Opinion and Order dated February 29, 2008. Receipt of same acknowledged March 6, 2008.

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**March 17, 2008**

Plaintiff filed Acceptance of Service of Order dated March 13, 2008. Receipt of same acknowledged March 14, 2008.

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**March 24, 2008**

Defendant filed Acceptance of Service of Order dated March 13, 2008. Receipt of same acknowledged March 17, 2008.

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**April 10, 2008**

Plaintiff filed Concurred-In Motion for Enlargement of Time until May 12, 2008 in which to file its amended claim.

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**April 11, 2008**

Board rendered Order. Order as follows: " **AND NOW**, this 11<sup>th</sup> day of April, 2008, as a result of a motion by Plaintiff, concurred-in by Defendant, it is hereby **ORDERED** and **DECREED** that an enlargement of time is hereby **GRANTED**. Plaintiff's Amended Claim must be filed with this Board on or before May 12, 2008." Copy forwarded to Plaintiff and Defendant.

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**April 16, 2008**

Plaintiff filed Acceptance of Service of Order dated April 11, 2008. Receipt of same acknowledged April 15, 2008.

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**April 21, 2008**

Defendant filed Acceptance of Service of Order dated April 11, 2008. Receipt of same acknowledged April 14, 2008.

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**\*May 12, 2008**

Plaintiff filed Amended Claim and proof of mailing. Amount of Claim: \$239,850.00.

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**May 13, 2008**

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

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**May 14, 2008**

Plaintiff filed Praeipie to Substitute pages 4 and 5 of the Amended Statement of Claim.

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**May 15, 2008**

Board forwarded letter to Defendant request response to Plaintiff's substitution of pages 4 and 5 within 10 days.

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**June 3, 2008**

Board rendered Opinion and Order. Order as follows: " **AND NOW**, this 3<sup>rd</sup> day of June, 2008, it is **ORDERED** and **DECREED** that Plaintiff's Praeipie to Substitute New Pages 4 and 5 into the Amended Statement of Claim is hereby **GRANTED**." Copy forwarded to Plaintiff and Defendant.

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**June 6, 2008**

Plaintiff filed Acceptance of Service of Opinion and Order dated June 3, 2008. Receipt of same acknowledged June 5, 2008.

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**June 9, 2008**

Defendant filed Concurred in Motion for Enlargement of Time until July 12, 2008, in which to file its responsive pleading as well as proposed Order.

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**June 10, 2008**

Defendant filed Acceptance of Service of Opinion and Order dated June 3, 2008. Receipt of same acknowledged June 5, 2008.

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**June 18, 2008**

Attorney General filed Acknowledgment of Amended Claim form. Receipt of same acknowledged June 15, 2008.

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**July 10, 2008**

Plaintiff filed Praecipe to Substitute pages 4 and 5 of the Amended Statement of Claim.

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**July 11, 2008**

Defendant filed Answer and New Matter to Statement of Claim. (sic)

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**July 11, 2008**

Defendant filed Answer and New Matter to Amended Statement of Claim.

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**July 14, 2008**

Board rendered Order. Order as follows: " **AND NOW**, this 14<sup>th</sup> day of July, 2008, pursuant to praecipe filed with the Board on July 10, 2008 and Plaintiff's representation therein that Defendant's counsel poses no objection, be it **ORDERED** that page 4 and 5 attached to said praecipe are hereby substituted for pages 4 and 5 of Plaintiff's Amended Statement of Claim filed on May 12, 2008." Copy forwarded to Plaintiff and Defendant.

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**July 14, 2008**

Board forwarded letter to Plaintiff requesting response to New Matter.

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**July 17, 2008**

Plaintiff filed Acceptance of Service of Order dated July 14, 2008. Receipt of same acknowledged July 15, 2008.

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**July 21, 2008**

Defendant filed Acceptance of Service of Order dated July 14, 2008. Receipt of same acknowledged July 16, 2008.

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**July 31, 2008**

Plaintiff filed Answer to New Matter.

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**August 1, 2008**

Board forwarded letter to parties directing parties to commence with discovery.

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**August 13, 2009**

Plaintiff filed Petition to Withdraw Post & Schell, P.C. as counsel.

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**August 21, 2009**

Plaintiff's counsel sent letter to Plaintiff with copy forwarded to the Board advising Plaintiff to confirm address and provide phone number to the Board and Defendant.

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**October 8, 2009**

Plaintiff transmitted via fax letter providing mailing address and phone number and request Defendant's information to provide Defendant with same.

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**January 19, 2010**

Plaintiff filed letter requesting the Board remove Kelly Chevrolet-Cadillac from the claim.

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**January 20, 2010**

Board forwarded letter to Plaintiff advising that Kelly Chevrolet-Cadillac was never a part of this case and advising parties that the Board will be setting a status conference.

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**January 25, 2010**

Board rendered order. Order as follows: "**AND NOW**, this 25<sup>th</sup> day of January, 2010, it is hereby **ORDERED** that a settlement/status conference shall be held on February 9, 2010 at 200 North Third Street, Suite 700, Harrisburg, Pennsylvania 17101 commencing at 1:00 P.M. Plaintiff and counsel for defendant shall be present in person, together with any party representative necessary to effect a settlement." Copy forwarded to Plaintiff and Defendant.

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**February 3, 2010**

Defendant filed Acceptance of Service of Order dated January 25, 2010. Receipt of same acknowledged January 28, 2010.

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**March 9, 2010**

Plaintiff filed Praecipe for Dismissal without prejudice.

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**February 2, 2015**

Board forwarded Notice of Proposed Termination of Case for Lack of Activity Pursuant to Pa. Rule of Civil Procedure 230.2 to Plaintiff, with copy to Defendant.

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**February 12, 2015**

Defendant filed a letter, as well as a copy of a settlement and release advising that this case settled in March 2010.

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**February 18, 2015**

Board rendered an Order. Order as follows: "**AND NOW**, this 18<sup>th</sup> day of February, 2015, it is hereby **ORDERED** that pursuant to praecipe from Plaintiff received on March 9, 2010 requesting dismissal of its claim without prejudice, and advice of settlement from Defendant received February 12, 2015, with an executed copy of the settlement agreement between the two parties attached, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

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**February 24, 2015**

Defendant filed Acceptance of Service of Order dated February 18, 2015. Receipt of same acknowledged February 20, 2015.

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