

Docket Number: 3933

DAVID D. RICHARDSON

Pro Se

VS.

*COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS;
JACK LOUGHREY, BUSINESS MANAGER
SUZANNE N. HUFFMAN, CHIEF COUNSEL

CLOSED

February 28, 2008

By Order of the Count of Common Pleas of Westmoreland County Civil Division, case filed, Order as follows: "AND NOW, this 28th day of February, 2008, after consideration of the Plaintiff's Motion for Judgment on the Pleadings and oral argument in support thereof and in opposition thereto: It appearing to the Court that the Defendant sue in his capacity as the business manager of a State Correctional Institution; and That the suit involves a claim of breach of warranty arising from the sale of a typewriter by the Department of Corrections, specifically the State Correctional Institution at Greensburg; and That the proper jurisdiction for such an action is before the Board of Claims of the Commonwealth of Pennsylvania and that the Court of Common Pleas does not have subject matter of jurisdiction; Employer Ins. Of Wausau v. Com. Dept. of Transp., 865 A.2d 825 (Pa. 2005); McKeesport Municipal Water Authority v. Harry J. McCloskey and the City of McKeesport, 690 A.2d 766 (Pa. Cmwlth. 1997); United Brokers Mortgage Company v. Fidelity Philadelphia Trust Company, 363 A.2d 817 (Pa. Cmwlth. 1976). It is hereby Ordered and Decreed that the matter is directed to be transferred to the Board of Claims which is the proper tribunal for disposition of this matter. The Prothonotary of Westmoreland County is directed to take the action necessary to transfer this matter to the Board of Claims of the Commonwealth of Pennsylvania.

THE FOLLOWING FILED IN THE COURT OF COMMON PLEAS

February 27, 2007

Transcript Appeal of Plaintiff.

February 27, 2008

Order February 27, 2007, Motion to Proceed in Forma Pauperis Granted.

February 27, 2007

Order February 27, 2007, Plaintiff's Motion Nunc Pro Tunc set for April 10, 2007 and Sheriff directed to transfer party to said hearing.

March 1, 2007

Judicial assignment to Judge Gary Caruso.

March 13, 2007

Statement of Jurisdiction and Statement of Claim Complaint.

March 30, 2007

Sheriff's Return.

April 10, 2007

Order - Plaintiff is incarcerated and hearing rescheduled for May 25, 2007 and if Plaintiff is still incarcerated, the Sheriff is directed to transport Plaintiff to hearing.

April 24, 2007

Motion to Reinstate Complaint: Complaint reinstated and Order, April 16, 2007, granting Motion and Complaint to be served by Sheriff's Department.

May 17, 2007

Sheriff's return.

May 29, 2007

Order, May 25, 2007, Motion for Leave to Appeal Nunc Pro Tunc is granted.

June 6, 2007

Praecipe to Reinstate Complaint: Complaint reinstated.

July 26, 2007

Sheriff's return.

August 13, 2007

Defendant's Answer to Complaint and New Matter.

August 16, 2007

Plaintiff's Reply to Defendant's New Matter.

December 17, 2007

Order, December 13, 2007, Oral argument on Motion for Judgment on the Pleadings scheduled for February 27, 2008.

December 17, 2007

Order, December 13, 2007, Sheriff is ordered to transport Plaintiff to hearing.

December 21, 2007

Plaintiff's Motion for Judgment of Pleadings.

February 28, 2008

Order, February 28, 2008, Proper jurisdiction of the action to be transferred to the Board of Claims of the Commonwealth Court of Pa.

BEFORE THE BOARD OF CLAIMS

February 28, 2008

Court of Common Pleas of Westmoreland County transferred record.

March 6, 2008

Board of Claims received file from Court of Common Pleas. Amount of Claim: \$435.00+.

March 11, 2008

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

March 13, 2008

Plaintiff filed letter asking if the Board has jurisdiction to hear his case.

***March 21, 2008**

Plaintiff filed Restated Claim and Proof of Mailing. Amount = \$135.00+.

March 21, 2008

Plaintiff filed Motion for Continuation of in Forma Pauperis Status. [10A032408D]

March 31, 2008

Board issued Opinion and Order. Order as follows: **"AND NOW**, this 31st day of March 2008, upon consideration of the motion for continuation of in forma pauperis status and the statement of claim filed by Plaintiff, David D. Richardson, it is hereby **ORDERED** and **DECREED** that the motion is **DENIED** and the statement of claim is **DISMISSED** in accordance with Rule 240(j) of the Pennsylvania Rules of Civil Procedure." Copy forwarded to Plaintiff and Defendant.

April 7, 2008

Defendant filed Acceptance of Service of Opinion and Order dated March 31, 2008. Receipt of same acknowledged on April 7, 2008.

April 21, 2008

Plaintiff filed Notice of Appeal.

May 14, 2008

Board forwarded letter to Plaintiff advising Plaintiff of the Pennsylvania Rules of Appellate Procedure in appealing his case to Commonwealth Court.
