

Docket Number: 3936

CHARLES A. TATTON, JR.

Joseph H. Chivers, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
Department of Transportation

Andrew S. Gordon, Chief Counsel
Lisa K. Essman, Senior Counsel

***April 14, 2008**

Plaintiff filed Claim and filing fee. Amount of Initial Claim (unknown).

April 14, 2008

Board called Plaintiff advising of filing deficiency. Board faxed copy of deficiencies. Deficiencies: No verification or certification of mailing.

April 25, 2008

Plaintiff filed Certificate of Service and Verification.

April 28, 2008

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

May 6, 2008

Chief Deputy Attorney General filed Acceptance of Service of Claim. Receipt of same acknowledged by Chief Deputy Attorney General April 30, 2008.

May 8, 2008

Defendant filed letter advising receipt of Plaintiff's claim and requesting to know their due date for responsive pleading.

May 12, 2008

Board issued letter to Defendant with copy to Plaintiff advising that their response date was May 27, 2008.

May 27, 2008

Defendant filed Preliminary Objections to Plaintiff's Statement of Claim and Brief in Support.

May 28, 2008

Board issued letter to Plaintiff advising that a response to Defendant's Preliminary Objections is due within thirty days.

July 1, 2008

Plaintiff transmitted letter via facsimile requesting an extension of time for 2 days in which to file a response to Defendant's Preliminary Objections.

July 7, 2008

Plaintiff filed letter via u.s. mail requesting an extension until July 3, 2008 in which to respond to Defendant's Preliminary Objections.

***July 7, 2008**

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

July 10, 2008

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

July 10, 2008

Board issued an Opinion and Order. Order as follows: **AND NOW**, this 10th day of July, 2008, the Board will accept Plaintiff's amended statement of claim as filed. The preliminary objections filed by the Defendant on May 27, 2008, are hereby **DENIED** as **MOOT**. Defendant shall respond to the amended statement of claim within 30 days of the exit date of this order. Copy forwarded to Plaintiff and Defendant.

July 15, 2008

Chief Deputy Attorney General filed Acceptance of Service of Amended Claim. Receipt of same acknowledged July 14, 2008.

July 16, 2008

Defendant filed Acceptance of Service of Opinion and Order dated July 10, 2008. Receipt of same acknowledged by Defendant July 14, 2008.

August 1, 2008

Defendant filed Preliminary Objections to Plaintiff's Amended Statement of Claim and Brief in Support.

August 1, 2008

Plaintiff filed Acceptance of Service of Opinion and Order dated July 10, 2008. Receipt of same acknowledged by Plaintiff July 18, 2008.

August 4, 2008

Board forwarded letter to Plaintiff requesting response/brief.

August 27, 2008

Plaintiff transmitted letter via fax requesting an extension of time of 1 week to file Plaintiff's Response and Brief to Defendant's Preliminary Objections to Plaintiff's Amended Complaint.

August 28, 2008

Board issued letter to Plaintiff granting a one week extension of time in which to file Plaintiff's Response and Brief.

August 29, 2008

Plaintiff filed letter requesting an extension of time of 1 week to file Plaintiff's Response and Brief to Defendant's Preliminary Objections to Plaintiff's Amended Complaint.

September 10, 2008

Plaintiff transmitted via fax Plaintiff's Response to Defendant's Second Set of Preliminary Objections.

September 11, 2008

Plaintiff filed via U.S. Mail Plaintiff's Response to Defendant's Second Set of Preliminary Objections.

October 8, 2008

Board issued Opinion and Order. Order as follows: **AND NOW**, this 8th day of October, 2008, after receipt and review of Defendant's preliminary objections and Plaintiff's response thereto it is hereby **ORDERED** and **DECREED** that Defendant's preliminary objection to the Board's jurisdiction is **GRANTED**, and Plaintiff's Claim is **DISMISSED** with prejudice. The remaining preliminary objections are rendered **MOOT**. Copy forwarded to Plaintiff and Defendant.

October 15, 2008

Defendant filed Acceptance of Service of Opinion and Order dated October 8, 2008. Receipt of same acknowledged by Defendant October 10, 2008.

October 16, 2008

Plaintiff filed Acceptance of Service of Opinion and Order dated October 8, 2008. Receipt of same acknowledged by Plaintiff October 14, 2008.
