

Docket Number: 3984

DEREK DELACH

Joseph D. Talarico, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
STATE SYSTEM OF HIGHER EDUCATION,
INDIANA UNIVERSITY OF PENNSYLVANIA**

Scott A. Bradley, Senior Deputy Attorney General
Jacqueline R. Morrow, University Legal Counsel

CLOSED

February 25, 2010

By Order of the Court of Common Pleas of Allegheny County, Pennsylvania, case filed, Order as follows: "AND NOW, to-wit, this 25th day of February, 2010, it is HEREBY ORDERED and DECREED that jurisdiction in the above-captioned matter rests with the Board of Claims and this matter shall be transferred to the Pennsylvania Board of Claims. The Prothonotary is directed to send the record in this case to the Commonwealth of Pennsylvania Board of Claims, 200 North Third Street, Suite 700, Harrisburg, PA 17101-1501. Costs of the transmittal shall be assessed to and paid by Plaintiff. Within thirty (30) days of the date of this Order Plaintiff may send to the Board of Claims any documentation they deem relevant concerning notification of the claim."

THE FOLLOWING FILED IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY

May 15, 2008

Complaint filed by Plaintiff. Returnable 06/14/08.

June 10, 2008

Praecipe to Reinstate filed by Plaintiff.

June 17, 2008

Writ Expired. Writ issued on 5/15/08 expired as to Indiana University of Pennsylvania.

June 20, 2008

Sheriff Return filed by Plaintiff. Indiana University of Pennsylvania was served by Served - Adult Agent or person in charge of Defendant(s) office or usual place of business Service Upon Karen Wolff/Admin Asst to Dean with Reinstated Complaint on 6/16/2008.

July 18, 2008

Preliminary Objections Brief in Support and proposed filed by Defendant order hearing date 8/20/08 at 10:30 a.m.

August 20, 2008

Order of Court. Dated 8/20/08. Consent Order. Ordered that the P.O.'s filed in this matter shall be dismissed. Plaintiff shall be given 30 days from the date of this order to file an Amended Complaint. Defendant shall respond to the Amended Complaint via additional P.O.'s or Answer. Ward J.

September 18, 2008

Amended Complaint filed by Plaintiff.

December 24, 2008

Praecipe for Appearance by Scott A. Bradley, Esquire filed by Plaintiff.

December 29, 2008

Preliminary Objections brief in support and proposed order of court filed by Defendant hearing date 3/30/09 at 10:00 a.m.

March 30, 2009

Order of Court. Dated 03/30/09. Ordered that Plaintiff in the above-matter shall be permitted to file an Amended Complaint within 30 days of the date of this order. The P.O.'s scheduled for argument on 03/30/09 are dismissed. Ward J.

July 17, 2009

Second Amended Complaint filed by Plaintiff.

August 6, 2009

Preliminary objections brief in support and proposed order filed by Defendant hearing date 9/4/09 at 11:00 a.m.

August 28, 2009

Brief Contra to Defendant's preliminary objections filed by Plaintiff.

September 4, 2009

Order of Court. Dated 09/04/09. Consent Order, the argument of P.O.'s shall be continued and re-briefed and re-argued by the Partes. McVay J.

September 9, 2009

Preliminary Objections brief in support and proposed order filed by Defendant hearing date 10/15/09 at 11:30 a.m.

October 16, 2009

Order of Court. Dated 10/15/09. Ordered P.O.'s scheduled for 10/15/09 is postponed until 11/19/09 at 10:00 a.m. before the motion judge. Luty J.

November 17, 2009

Order of Court. Dated 11/17/09. Consent Order, the Argument on P.O.'s scheduled for November 19, 2009 at 10:00 a.m. is postponed until December 17, 2009 at 10:45 a.m. before the Motions Judge. Colville J.

December 18, 2009

Order of Court. Dated 12/18/09. Ordered argument on P.O.'s are continued to 01/21/10 at 11:15 a.m. before the motion judge. McCarthy J.

January 20, 2010

Order of Court. Dated 01/20/10. Order P.O. argument hereby continued to February 24, 2010 at 10:45 a.m. before the Motions Judge. Friedman J.

February 26, 2010

Order of Court. Dated 02/25/10. Ordered that jurisdiction in the above-matters rests with the Board of Claims and this matter shall be transferred to Pa. Board of Claims. The Prothonotary is directed to send the record in this case to Commonwealth of Pa. Board of Claims. Cost of the transmittal shall be assessed to and paid by Plaintiff within 30 days of the date of this order. Plaintiff may send to the Board Claims any documentation they deem relevant concerning notification of the claim. O'Brien J.

March 23, 2010

Case transferred. As per Order of Court dated 2/25/10. Case transferred to Commonwealth Court, PA. O'Brien J.

BEFORE THE BOARD OF CLAIMS

February 25, 2010

Court of Common Pleas of Allegheny County, Pennsylvania transferred record.

March 29, 2010

Plaintiff filed letter attaching supporting documentation regarding the claim being transferred to the Board of Claims.

March 30, 2010

Board of Claims received file from Court of Common Pleas of Allegheny County, Pennsylvania. Amount of Claim: in excess of \$25,000.

March 31, 2010

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

June 17, 2010

Plaintiff filed restated claim, proof of mailing and filing fee.
Amount of Claim: in excess of \$25,000.00.

June 21, 2010

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

July 1, 2010

Chief Deputy Attorney General filed Acknowledgment of Restated Claim form. Receipt of same acknowledged June 24, 2010.

July 21, 2010

Defendant filed Preliminary Objections, Brief in Support and Proposed Order. [09A082010D]

July 21, 2010

Board forwarded letter to Plaintiff, with copy to Defendants, advising Plaintiff of rules for filing responses/briefs.

August 19, 2010

Plaintiff filed Response to Preliminary Objections and Brief Contra to Preliminary Objections.

August 20, 2010

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

August 30, 2010

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 30th day of August, 2010, upon concluding that this Board lacks subject matter jurisdiction over this case, it is **ORDERED** and **DECREED** that this matter is hereby transferred to the Commonwealth Court of Pennsylvania pursuant to 42 Pa.C.S. § 5103 and Pa.R.C.P. 213." Copy forwarded to Plaintiff and Defendant.

September 3, 2010

Defendant filed Acceptance of Service of Opinion and Order dated August 30, 2010. Receipt of same acknowledged September 1, 2010.

September 10, 2010

Plaintiff filed Acceptance of Service of Opinion and Order dated August 30, 2010. Receipt of same acknowledged September 7, 2010.

October 20, 2010

Board transferred filed to Commonwealth Court.

February 14, 2014

Commonwealth Order rendered the following Order: NOW, February 11, 2014, upon consideration of respondent's "Petition for Reconsideration of Opinion/Order Entered [December] 16, 2013", to which no answer has been filed, the Petition for Reconsideration is denied.