

Docket Number: 4076

**FRANKLIN COVEY CLIENT SALES, INC.,
a Utah Corporation**

Ronald J. Chleboski, Jr., Esquire
James S. Malloy, Esquire
Elaina M. Margakis, Esquire (Pro Hac Vice)
Justin T. Toth, Esquire (Pro Hac Vice)

VS.

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

~~Leonidas Pandeladis, Chief Counsel~~
Michael S. Ferguson, University Legal Counsel

February 25, 2013

Plaintiff filed Claim, proof of mailing and filing fee. Amount of Claim: \$1,840,000.00+.

February 25, 2013

Plaintiff filed Motion for Pro Hac Vice Admission of Elaina M. Maragakis and Proposed Order.

February 26, 2013

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

February 26, 2013

Board forwarded letter to Defendant requesting response to Motion for Pro Hac Vice Admission of Elaina M. Maragakis.

February 26, 2013

Plaintiff filed a letter advising that they inadvertently left out the notice to defend form which they filed today and request the Board supplement its original filing with this document, as well as a notice to defend.

March 1, 2013

Defendant filed Entry of Appearance of Michael S. Ferguson, University Legal Counsel on behalf of the Defendant.

March 6, 2013

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged March 1, 2013.

March 11, 2013

Plaintiff filed Notice of Service of Plaintiff's First Set of Interrogatories, Requests for Production of Documents and Requests for Admission.

March 13, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 13th day of March, 2013, after review of Plaintiff's Motion to Admit Attorney Elaina M. Margakis to Practice before this Court in this Case Pro Hac Vice, it is hereby **ORDERED** that: 1) Effective upon the date of this Order, Elaina M. Margakis shall be **ADMITTED** pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301 for the limited purpose of serving as co-counsel on behalf of Plaintiff in this matter; 2) Elaina M. Margakis, Esquire shall abide by all the rules of, and applicable to, practice before this Board, including all attorney disciplinary rules; and 3) Elaina M. Margakis, Esquire shall immediately notify this Board of any matter affecting their standing at the bar of any other court or jurisdiction where they may be admitted to practice. All correspondence with this Board shall continue to be accomplished through the Pennsylvania attorney of record unless otherwise requested in writing by the party." Copy forwarded to Plaintiff and Defendant.

March 15, 2013

Defendant filed Acceptance of Service of Opinion and Order dated March 13, 2013. Receipt of same acknowledged March 14, 2013.

March 22, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated March 13, 2013. Receipt of same acknowledged March 18, 2013.

April 29, 2013

Defendant filed letter advising that Defendant mailed Answer to Claim to the Board on April 17, 2013 but was returned due to an error in the address.

April 29, 2013

Defendant filed Answer and New Matter.

April 29, 2013

Board forwarded letter to Plaintiff requesting response to New Matter.

May 14, 2013

Plaintiff filed Answer to New Matter.

May 14, 2013

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

May 30, 2013

Plaintiff filed Motion for Pro Hac Vice Admission of Justin T. Toth and Proposed Order.

May 31, 2013

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

June 10, 2013

Plaintiff filed Notice of Service of Depositions.

June 18, 2013

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 18th day of June, 2013, after review of Plaintiff's Motion to Admit Attorney Justin T. Toth to Practice before this Court in this Case Pro Hac Vice, it is hereby **ORDERED** that: 1) Effective upon the date of this Order, Justin T. Toth shall be **ADMITTED pro hac vice** to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301 for the limited purpose of serving as co-counsel on behalf of Plaintiff in this matter; 2) Justin T. Toth, Esquire shall abide by all the rules of, and applicable to, practice before this Board, including all attorney disciplinary rules; and 3) Justin T. Toth, Esquire shall immediately notify this Board of any matter affecting their standing at the bar of any other court or jurisdiction where they may be admitted to practice. All

correspondence with this Board shall continue to be accomplished through the Pennsylvania attorney of record." Copy forwarded to Plaintiff and Defendant.

June 25, 2013

Plaintiff filed Acceptance of Service of Opinion and Order dated June 18, 2013. Receipt of same acknowledged June 21, 2013.

June 25, 2013

Defendant filed Acceptance of Service of Opinion and Order dated June 18, 2013. Receipt of same acknowledged June 24, 2013.

June 27, 2013

Plaintiff filed Notice of Service of Amended Notices of Depositions.

July 29, 2013

Plaintiff filed Notice of Service of Plaintiff's Answers and Responses to Defendant's First Set of Interrogatories and Request for Production of Documents.

August 1, 2013

Plaintiff filed Notice of Service of Plaintiff's Second Set of Interrogatories and Requests for Production of Documents.

December 23, 2013

Plaintiff filed Notice of Service of Deposition to California University.

May 9, 2014

Plaintiff filed Motion for Summary Judgment and Brief as well as Declaration of James S. Malloy.

May 9, 2014

Board forwarded letter to Defendant requested response to Motion for Summary Judgment.

June 2, 2014

Defendant filed a Joint Stipulation to Extend Time until 20 days from the receipt of June 2014 deposition transcripts in which to file Defendant's response to Plaintiff's Motion for Summary Judgment as well as proposed order.

June 2, 2014

Board rendered Order. Order as follows: "**AND NOW**, this 2nd day of June, 2014, pursuant to the Joint Stipulation of the parties, it is hereby **ORDERED** that the Defendant, Commonwealth of Pennsylvania, State System of Higher Education California University, shall be given 20 days from the receipt of deposition transcripts from the June 2014 depositions in which to file a response to Plaintiff's Motion for Summary Judgment." Copy forwarded to Plaintiff and Defendant.

June 4, 2014

Plaintiff filed letter advising that the parties have reached an agreement in principal to settle their dispute.

September 12, 2014

Plaintiff filed Praecipe to Settle and Discontinue.

September 15, 2014

Board rendered Order. Order as follows: "**AND NOW**, this 15th day of September, 2014, upon receipt of a Praecipe executed by James S. Malloy, Esquire, on behalf of Plaintiff, Franklin Covey Client Sales, Inc., A Utah Corporation, requesting that the Board mark the above-captioned matter settled and discontinued, docketed with this Board under date of September 12, 2014, it is **ORDERED** and **DIRECTED** that the above-captioned matter be marked settled, discontinued and ended with prejudice." Copy forwarded to Plaintiff and Defendant.

September 18, 2014

Defendant filed Acceptance of Service of Order dated September 15, 2014. Receipt of same acknowledged September 16, 2014.

September 22, 2014

Plaintiff filed Acceptance of Service of Order dated September 15, 2014. Receipt of same acknowledged September 18, 2014.

CLOSED