

Docket Number: 4106

~~THOMAS PUCCI AND DEBBIE L. PUCCI, Husband and Wife~~

D. Scott Lautner, Esquire

VS.

COMMONWEALTH OF PENNSYLVANIA
CALIFORNIA UNIVERSITY OF PENNSYLVANIA,

~~Paul R. Scholle, Esquire~~
~~Andrew Lehman, Chief Counsel~~
Michael S. Ferguson, University Legal Counsel

~~AND ANGELO ARMENTI, Individually~~

~~Paul R. Scholle, Esquire~~
~~Andrew Lehman, Chief Counsel~~
~~David L. Narkiewicz, Assistant Chief Counsel~~
~~Joseph M. Cavazzi, Assistant Counsel~~

November 15, 2013

By Order of the Court of Common Pleas of Washington County, case filed, Order as follows: AND NOW, this 15th day of November, 2013, upon consent of the parties, the following is hereby ORDERED , ADJUDGED, and DECREED that the above-captioned matter is hereby transferred to the Board of Claims.

THE FOLLOWING FILED IN COURT OF COMMON PLEAS OF WASHINGTON COUNTY

March 16, 2010

Summons-Civil Action

September 1, 2010

Motion and Order

November 4, 2010

Complaint

March 11, 2011

Praecipe to Reinstate Complaint

March 29, 2011

Served

May 18, 2012

Preliminary Objections of Defendants

May 18, 2012

Brief

October 28, 2013

Pre-Trial Deficiency Order of Plaintiff

November 15, 2013

Order

BEFORE THE BOARD OF CLAIMS

October 14, 2014

Board of Claims received file from Court of Common Pleas of Washington County. Amount of Claim: \$25,000.00+.

October 15, 2014

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

November 20, 2015

Board issued second letter to Plaintiff requesting Restated Claim, proof of mailing and filing fee by December 20, 2015.

December 2, 2015

Plaintiff filed restated Claim, filing fee and proof of mailing. Amount of Claim: unknown

December 2, 2015

Board issued deficiency notice to Plaintiff. Claim lacks verification.

December 21, 2015

Plaintiff filed verification.

December 23, 2015

Board issued Acknowledgment letter and forwarded a copy of restated claim to Attorney General.

January 5, 2016

Attorney General filed Acknowledgment of Claim form. Receipt of same acknowledged December 29, 2015.

January 14, 2016

Defendant, California University of Pennsylvania (Cal U) filed Entry of Appearance of Michael S. Ferguson, University Legal Counsel on behalf of Defendant, Cal U.

January 14, 2016

Defendant, Angelo Armenti filed Entry of Appearance of David L. Narkiewicz, Assistant Chief Counsel and Joseph M. Gavazzi, Assistant Counsel on behalf of Defendant, Angelo Armenti.

February 1, 2016

Defendant, Armenti filed preliminary objections and brief in support.

February 2, 2016

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

February 10, 2016

Defendant, Cal U filed preliminary objections, brief in support and proposed order.

February 11, 2016

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

March 10, 2016

Plaintiff filed a consent order to dismiss Angelo Armenti.

***March 10, 2016**

Plaintiff filed Amended Statement of Claim and proof of mailing.
Amount of Claim: unknown.

March 10, 2016

Board issued deficiency notice to Plaintiff. Amended Claim lacks verification.

March 14, 2016

Board rendered an Order. Order as follows: "**AND NOW**, this 14th day of March, 2016, upon consent of the parties, it is hereby **ORDERED** and **DECREED** that Angelo Armenti, Individually, is **DISMISSED** from the case." Copy forwarded to all parties of record.

March 16, 2016

Plaintiff transmitted via facsimile its verification to its amended statement of claim.

March 17, 2016

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 17th day of March, 2016, the preliminary objections filed by the Defendant on February 10, 2016, are hereby **DISMISSED** as **MOOT**." Copy forwarded to Plaintiff and Defendant.

March 17, 2016

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

March 21, 2016

Plaintiff filed via U.S. mail its verification to its amended statement of claim.

March 21, 2016

Attorney General filed Acknowledgment of Amended Statement of Claim form. Receipt of same acknowledged March 16, 2016.

March 21, 2016

Defendant, Armenti filed Acceptance of Service of Order dated March 14, 2016. Receipt of same acknowledged March 16, 2016.

March 24, 2016

Plaintiff filed Acceptance of Service of Order dated March 17, 2016. Receipt of same acknowledged March 21, 2016.

March 28, 2016

Defendant, Cal U filed Acceptance of Service of Order dated March 14, 2016. Receipt of same acknowledged March 23, 2016.

March 28, 2016

Defendant filed Acceptance of Service of Order dated March 17, 2016. Receipt of same acknowledged March 23, 2016.

March 28, 2016

Attorney General filed Acknowledgment of Amended Statement of Claim form. Receipt of same acknowledged March 21, 2016.

May 18, 2016

Defendant filed preliminary objections to amended statement of claim, brief in support and proposed order.

May 19, 2016

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

***July 1, 2016**

Plaintiff filed Second Amended Statement of Claim. Amount of Claim: unknown.

July 1, 2016

Board issued deficiency notice to Plaintiff. Second Amended Claim lacks verification.

July 7, 2016

Plaintiff filed verification to its Second Amended Statement of Claim.

July 8, 2016

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

July 8, 2016

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 8th day of July, 2016, it is hereby **ORDERED** and **DECREED** that Plaintiff's second amended statement of claim is accepted as filed. Defendant shall respond to same within 30 days of the date of this Order." Copy forwarded to Plaintiff and Defendant.

July 14, 2016

Plaintiff filed Acceptance of Service of Opinion and Order dated July 8, 2016. Receipt of same acknowledged July 11, 2016.

July 14, 2016

Attorney General filed acknowledgment of Second Amended Statement of Claim. Receipt of same acknowledged July 12, 2016.

July 18, 2016

Defendant filed acceptance of service of Opinion and Order dated July 8, 2016. Receipt of same acknowledged July 11, 2016.

July 20, 2016

Defendant filed preliminary objections to second amended statement of claim, brief in support and proposed order.

July 21, 2016

Board forwarded letter to Plaintiff, with copy to Defendant, advising of rules for filing response.

August 22, 2016

Plaintiff filed reply to preliminary objections to the second amended complaint.

September 30, 2016

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 30th day of September, 2016, upon consideration of the University's preliminary objections to the Second Amended Statement of Claim and the response filed by Plaintiff, it is **ORDERED** and **DECREED** as follows: 1. Counts I, II, III and IV of the Complaint are **DISMISSED** for lack of Board jurisdiction; 2. The University's fifth preliminary objection is **SUSTAINED**, and Plaintiff Debbie L. Pucci is hereby **DISMISSED** from this case; 3. The University's first preliminary objection to Counts V and VI of the Complaint are **OVERRULED**; and 4. A ruling on the University's second preliminary objection is deferred until a hearing on the issue of whether the Board lacks jurisdiction over the remaining counts by reason of Plaintiff's failure to comply with the requirements of 62 Pa. C.S. § 1712.1 can be held." Copy forwarded to Plaintiff and Defendant.

September 30, 2016

Board forwarded letter to parties advising that the Board wishes to hold a status/settlement conference and providing available dates.

October 6, 2016

Plaintiff filed acceptance of service of Opinion and Order dated September 30, 2016. Receipt of same acknowledged October 3, 2016.

October 11, 2016

Defendant filed a letter advising that parties are available for a status/settlement conference on November 17, 2016.

October 11, 2016

Board forwarded letter to parties scheduling a status/settlement conference for Thursday, November 17, 2016 at 1:00 p.m.

October 6, 2016

Defendant filed acceptance of service of Opinion and Order dated September 30, 2016. Receipt of same acknowledged October 5, 2016.

November 14, 2016

Plaintiff filed a letter confirming a conversation on November 9, 2016 with the Board advising that Plaintiff will be attending the upcoming status conference by telephone.

November 17, 2016

Board status/settlement conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101.

December 23, 2016

Plaintiff filed a Joint Stipulation agreeing to the continuing jurisdiction of the Board of Claims.

December 27, 2016

Board rendered an Order. Order as follows: "AND NOW, 27th day of December, 2016, it is hereby by **ORDERED** and **DECREED** that the attached Stipulation is accepted and approved as filed." Copy forwarded to Plaintiff and Defendant.

January 4, 2017

Defendant filed Acceptance of Service of Order dated December 27, 2016. Receipt of same acknowledged January 4, 2017.

January 5, 2017

Defendant filed Acceptance of Service of Order dated December 27, 2016. Receipt of same acknowledged January 4, 2017.

January 27, 2017

Defendant filed letter requesting the Board schedule a hearing on the issue of subject-matter jurisdiction.

January 30, 2017

Board forwarded letter via facsimile & U.S. Mail to parties requesting date for telephone conference.

February 6, 2017

Plaintiff filed letter advising that both parties are available for a telephone conference on February 8, 2017.

February 6, 2017

Board forwarded letter to parties scheduling a telephone conference for Wednesday, February 8, 2017 at 1:00 p.m.

February 8, 2017

Board telephone conference held at 200 North Third Street, Suite 700, Harrisburg, PA 17101.

November 15, 2019

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.

January 7, 2020

Board rendered an Opinion and Order. Order as follows: "**AND NOW**, this 7th day of January, 2020, pursuant to Pa. R.C.P. 230.2, the above captioned case is **TERMINATED, ENDED** and **DISMISSED** with prejudice due to lack of activity." Copy forwarded to Plaintiff and Defendant.

January 21, 2019

Defendant filed acceptance of service of Opinion and Order dated January 7, 2020. Receipt of same acknowledged January 13, 2020.
