

DECLER-WHITING, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION and
KUTZTOWN STATE COLLEGE

Donald E. Hogelanc, Esquire

Wayne M. Richardson, Esquire
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

CLOSED

FORM C P 9

March 26, 1979 By Order of Commonwealth Court, case filed. Order as follows: "NOW, March 15, 1979, this case is transferred to the Board of Claims for further proceedings".

THE FOLLOWING FILED IN COMMONWEALTH COURT:

- March 7, 1979 Complaint (from Court of Common Pleas of Berks County).
Preliminary Objections of Defendant (from Court of Common Pleas of Berks County).
- Plaintiff's Answer to Defendant's Preliminary Objections (from Court of Common Pleas of Berks County).
- Brief in Support of Defendant's Preliminary Objections (from Court of Common Pleas of Berks County).
- Plaintiff's Brief Contra Defendant's Preliminary Objections (from Court of Common Pleas of Berks County).
- Plaintiff's Motion for Transfer (from Court of Common Pleas of Berks County).
- Plaintiff's Petition to Reconsider.
- May 9, 1979 Order rendered by Commonwealth Court. Petition to Reconsider denied.
- May 22, 1979 Request made for filing fee.
- May 29, 1979 Filing fee of \$50.00 filed.
- June 12, 1979 Copies of Complaint and Memorandum Opinion of Commonwealth Court forwarded to attorney for defendant.
- July 20, 1979 Entry of appearance of Wayne M. Richardson, Esquire, as attorney for defendant filed.
- July 20, 1979 Motion to Dismiss as well as Brief in Support thereof filed by attorney for defendant. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
- July 24, 1979 Copy of Motion to Dismiss as well as Brief in Support thereof forwarded to attorney for Plaintiff.



DECLER-WHITING, INC.
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION,
KUTZTOWN STATE COLLEGE

Donald E. Hogeland, Esquire

Wayne M. Richardson, Esquire

Docket No. 641

- continued -

CLOSED

July 26, 1979 Praecipe for Appearance of Donald E. Hogeland as well as Argument Contra Motion to Dismiss filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

August 21, 1979 Petition to Withdraw Claim filed by attorney for plaintiff.

August 24, 1979 The Board rendered an Opinion and made the following Order: "AND NOW, this 24th day of August, 1979, upon Petition to Withdraw Claim, by Plaintiff, Degler-Whiting, Inc., the above captioned matter is hereby ORDERED withdrawn without prejudice to permit Plaintiff to file its claim with the Fiscal Code Division of the Board of Claims of the Commonwealth of Pennsylvania." Copies forwarded to attorney for plaintiff and attorney for defendant.

September 5, 1979 Petition to Set Aside Board's Order of August 24, 1979, filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 7, 1979 The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of September, 1979, it is hereby ORDERED that the Board's Opinion and Order dated August 24, 1979, is hereby vacated and set aside. The Plaintiff is directed to serve a copy of its Petition to Withdraw upon the Defendant within ten (10) days of receipt of this Order." Copies of Opinion and Order forwarded to attorney for plaintiff and attorney for defendant.

October 1, 1979 Motion to Strike Discontinuance and Memorandum in Support filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

October 9, 1979 Plaintiff's Answer to Defendant a Motion to Strike as well as Memorandum of Law Contra Motion to Strike filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

January 25, 1980 The Board rendered the following Order: "AND NOW, this 25th day of January, 1980, the Board of Claims, after due consideration of the Motion to Strike Discontinuance, filed by the Defendant, and Plaintiff's Answer thereto, together with Briefs in support of each position, ORDERS that the matter be set for Oral Argument on the above Motion, on Thursday, March 13, 1980, at 10 a.m. in Room No. 707, Transportation and Safety Building, Harrisburg, Pennsylvania. Counsel for both parties is directed to be present." Copies forwarded to attorney for plaintiff and attorney for defendant.

March 13, 1980 Hearing held in Board's Court Room at 10 a.m.

March 20, 1980 Testimony of hearing held March 13, 1980, filed. Copy forwarded to attorney for defendant.

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DECLER-WHITING, INC.

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION,
Kutztown State College

Donald E. Hogeland, Esquire

- continued -

Wayne M. Richardson, Esquire

Docket No. 641.

CLOSED

FORM C F Q

March 31, 1980

Brief of Oral Argument filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for ~~sixteen~~ plaintiff.

April 23, 1980

Memorandum of Law filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

September 8, 1981

The Board rendered an Opinion and made the following Order: "AND NOW, this 8th day of September, 1981, upon Petition to Withdraw Claim by Plaintiff, Degler-Whiting, Inc., the above captioned matter is hereby ORDERED withdrawn without prejudice to permit Plaintiff to file its Claim with the Fiscal Code Division of the Board of Claims of the Commonwealth of Pennsylvania, and Defendant's Motion is hereby refused." Copies forwarded to attorney for plaintiff and attorney for defendant.

September 22, 1981

The Board rendered the following Order: "AND NOW, this 22nd day of September, 1981, the Board, taking notice that the Plaintiff, Degler-Whiting, Inc., filed a Fiscal Code Claim on August 15, 1979, docketed at Fiscal Code Docket No. FC-77-79, hereby accepts said Claim as permitted by the Order of September 8, 1981." Copies forwarded to attorney for plaintiff and attorney for defendant. Copy forwarded to Deputy Attorney General.

