

THREE-C-ONE MARKET, INC., Oscar L.
Feller, President

Henry W. Mitchell, Esquire

Docket No. 649

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES and
DEPARTMENT OF PUBLIC WELFARE

George Welsh, Esquire
~~XXXXXXXXXXXXXXXXXXXX~~
Helga L. Kumar, Esquire

CLOSED

FORM C F O

August 28, 1979 Complaint and filing fee filed. Amount of claim: \$265,049.20.

August 29, 1979 Copies of Complaint forwarded to attorneys for defendants and Deputy Attorney General.

September 19, 1979 Preliminary Objections and Memorandum in Support filed by attorneys for defendants. Copy forwarded to attorney for plaintiff by attorneys for defendants.

October 4, 1979 Interrogatories Propounded by Plaintiff filed by attorney for plaintiff. Copies forwarded to attorneys for defendants by attorney for plaintiff.

October 5, 1979 Deposition of Michael Jon Daley filed by attorney for plaintiff.

October 10, 1979 Motion to Amend Complaint as well as Plaintiff's Response to Preliminary Objections filed by Defendants filed by attorney for plaintiff. Copies forwarded to attorneys for defendants.

October 22, 1979 Interrogatories Propounded to Plaintiff and Plaintiff's Answers thereto (all in one) filed.

October 23, 1979 Defendant's Reply to Plaintiff's Amendment, Objection to Motion to Amend and Memorandum of Law filed by attorneys for defendants. Copies forwarded to attorney for plaintiff by attorneys for defendants.

November 5, 1979 Plaintiff's Reply to Defendant's Reply to Plaintiff's Response to Preliminary Objections as well as Plaintiff's Response to Defendant's Objection to Plaintiff's Motion to Amend Complaint filed by attorney for plaintiff. Copies forwarded to attorneys for defendants.

November 30, 1979 The Board rendered an Opinion and made the following Order: AND NOW, this 30th day of November, 1979, upon review of all the pleadings filed to date in this matter, the Order of this Board is as follows: (a) Count III and Count IV of the original Complaint of the Plaintiff are dismissed; (b) The Demurrer as requested by Defendants is denied; (c) The Motion for a More Specific Pleading-Breach of Contract, as filed by the Defendants, is granted. Accordingly, the Plaintiff is granted thirty (30) days from the date of this Order to file an Amended Complaint in accordance herewith." Copies of Opinion and Order forwarded to attorney for plaintiff and attorneys for defendants.

December 18, 1979 First Amended Complaint filed by attorney for plaintiff. Copies forwarded to attorneys for defendants.

January 17, 1980 Preliminary Objections ^{as} filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendants.



THREE-O-ONE MARKET, INC., Oscar L. Feller, President

H. Wesley Mitchell, Esquire

Docket No. 649

-continued-

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES and
DEPARTMENT OF PUBLIC WELFARE

Barbara Sample, Esquire
George W. Mackay, Esquire and
Helga L. Kurnari, L.A.

CLOSED

January 30, 1980 Plaintiff's Response to Defendants' Preliminary Objections as well as Memorandum in Support filed by attorney for plaintiff. Copies forwarded to attorneys for defendants.

February 7, 1980 The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of February, 1980, it is ORDERED that Defendants' Preliminary Objections are denied and Defendants are directed to file a responsive pleading within thirty (30) days from the date of this Order." Copies forwarded to attorney for plaintiff and attorneys for defendants.

March 7, 1980 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

April 11, 1980 Answer of Plaintiff to New Matter filed by attorney for plaintiff. Copies forwarded to attorneys for defendants.

July 1, 1980 Preceipe for Trial filed by attorney for plaintiff. Copies forwarded to attorneys for defendants by attorney for plaintiff.

July 11, 1980 Letter (with attachments) filed by attorneys for defendants opposing trial date be set.

August 1, 1980 Motion to Amend New Matter ~~and~~ as well as Request for Admissions filed by attorneys for defendants. Copies forwarded to attorney for plaintiff by attorneys for defendants.

August 26, 1980 Brief in Support of Motion to Amend New Matter filed by attorneys for defendant. Copy forwarded to attorney for plaintiff by attorneys for defendants.

August 27, 1980 Plaintiff's Response to Motion to Amend New Matter as well as Answer to Request for Admissions filed by attorney for plaintiff. Copies forwarded to attorney for defendant.

September 5, 1980 The Board rendered an Opinion and made the following Order: "AND NOW, this 5th day of September, 1980, the request of the Defendant to file a Motion to Amend New Matter and Additional New Matter-Affirmative Defense Payment, is hereby granted." Copies forwarded to all counsel of record.

February 20, 1981 Hearing scheduled for May 12 through 15, 1981, if necessary, in Board's Court Room at 10 a.m.

Feb. 23, 1981 Notice of Disposition of Michael J. Daley, Esquire, filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

THREE-O-ONE MARKET, INC., Oscar L. Feller, President
VS.
H. Wesley Mitchell, Esquire

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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES and
DEPARTMENT OF PUBLIC WELFARE
Barbara Sample, Esquire &
Belga L. Kumar, Esquire

CLOSED



February 27, 1981 Petition of the Defendants' for Rule on the Sufficiency of Plaintiff's Answers to Requests for Admissions, Defendants' Amended New Matter, Petition of the Defendants' for Leave to Amend to Include a Counterclaim and Defendants' Interrogatories to Plaintiff filed by attorney for defendants. Copies forwarded to attorney for plaintiff by attorney for defendant.

March 24, 1981 Notice of Deposition for Clyde H. Smith and Oscar L. Feller filed by attorney for defendant. Copies forwarded to attorney for plaintiff by attorney for defendant.

April 3, 1981 The Board rendered an opinion and made the following order: "AND NOW, this 3rd day of April, 1981, the request of the Defendants to file amended pleadings to include a counterclaim is hereby granted. The Defendants are given five (5) days from the date of this Order to file this counterclaim with the Board. The Plaintiff is given twenty (20) days to file responsive pleadings to this counterclaim. The designated date of trial will be most strenuously adhered to. The request of the Defendants for a Ruling on the sufficiency of Plaintiff's Answers to Request for Admissions is denied." Copies forwarded to attorney for plaintiff and attorneys for defendant.

April 7, 1981 Counterclaim filed by attorney for defendants. Copy forwarded to attorney for plaintiff by attorney for defendants. and Answer to Petition

April 8, 1981 Plaintiff's Answer to Defendants' Amended New Matter filed by attorney for plaintiff. Copy forwarded to attorney for defendants by attorney for plaintiff.

April 24, 1981 Answers to Interrogatories of Defendant filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 29, 1981 Notice of Lis Pendens with attached copy of Praecipe for Lis Pendens as filed in the Court of Common Pleas filed by attorney for defendants. Copies forwarded to attorney for plaintiff by attorney for defendants.

May 12, 1981 Hearing held in Board's Court Room at 10 a.m.

May 12, 1981 Answer to Counterclaim filed by attorney for plaintiff at time of hearing. Copies distributed to parties at time of hearing.

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THREE-O-ONE MARKET, INC., Oscar L.
Feller, President

H. Wesley Mitchell, Esquire

Docket No. 549

VS.

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COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES and
DEPARTMENT OF PUBLIC WELFARE

Barbara Sumpster, Esquire
Heiga L. Kumar, Esquire

CLOSED

May 12, 1981 Pre-trial Memorandum filed by attorney for defendant at time of hearing. Copies distributed at time of hearing.

May 13, 1981 Hearing held in Board's Court Room at 10:30 a.m.

May 14, 1981 Hearing held in Board's Court Room at 10 a.m.

May 14, 1981 Depositions of Michael J. Daley, Oscar L. Feller and Clyde H. Smith filed by attorney for defendant at time of hearing.

May 14, 1981 Affidavit of Richard G. Phillips filed by attorney for defendant at time of hearing. Copies distributed at time of hearing.

May 15, 1981 Hearing held in Board's Court Room at 10 a.m.

October 19, 1981 Testimony of hearing held May 12, 13, 14 and 15, 1981, filed. Awaiting corrected title pages.

November 24, 1981 Corrected title pages received from court reporter.

December 2, 1981 Copies of testimony of hearing held May 12, 13, 14 and 15, 1981, forwarded to attorney for defendant.

January 4, 1982 Findings of Fact and Conclusions of Law filed by attorney for plaintiff. Copy forwarded to attorney for defendants by attorney for plaintiff.

February 5, 1982 Findings of Fact, Conclusions of Law and Memorandum in Support Thereof filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

February 26, 1982 Plaintiff's Memorandum in Support of Findings of Fact, Conclusions of Law filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 2, 1983 The Board rendered and Opinion and made the following Order: "AND NOW, this 2nd day of March, 1983, judgment is hereby entered in favor of the Plaintiff, Three-O-One Market, Inc. and against the Defendant, Commonwealth of Pennsylvania, Department of General Services and Department of Public Welfare in the amount as follows: the sum of \$1,826.77, at the legal rate of six (6%) per cent per annum from June 1, 1979; the sum of \$.826.77, at the legal rate of six (6%) per cent per annum

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THREE-O-ONE MARKET, INC.
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF GENERAL SERVICES and
DEPARTMENT OF PUBLIC WELFARE

H. Wesley Mitchell, Esquire

Docket No. 649

Barbara Sumple, Esquire
Helga L. Kumar, Esquire

CLOSED



March 2, 1983 (Continued)

from July 1, 1979; the sum of \$1,826.77, at the legal rate of six (6%) per cent per annum from July 1, 1979; the sum of \$1,826.77; at the legal rate of six (6%) per cent per annum from August 1, 1979; the sum of \$1,826.77, at the legal rate of six (6%) per cent per annum from September 1, 1979. Each party to bear their own costs."

March 8, 1983

Copies of Opinion and Order dated March 2, 1983 forwarded to attorney for Plaintiff and attorney for defendants.

March 24, 1983

Petition for Reconsideration of Order dated March 2, 1983, filed by attorney for defendant. Copy forwarded to attorney for Plaintiff by attorney for defendant.

April 8, 1983

Petition for Review received from Commonwealth Court. (Appealed by defendant). (No. 913 C. D. 1983)

April 12, 1983

Copy of Petition for Review as filed in Commonwealth Court filed by attorney for defendant.

April 15, 1983

The Board rendered an Opinion and made the following Order: "AND NOW, this 15th day of April, 1983, the Board's Order of March 2, 1983* is hereby amended to include judgement in favor of the Commonwealth of Pennsylvania, Department of General Services and Department of Public Welfare as a complete set off to the judgement awarded in favor of the Plaintiff. *Commonwealth's claim in excess of the amount of Plaintiff's award is Dismissed." Copies forwarded to attorney for Plaintiff and attorney for defendant.

May 1, 1983

File transmitted to Commonwealth Court.

May 15, 1984

File received from Commonwealth Court.

June 22, 1984

Copy of Praecipe as filed in Commonwealth Court received from Commonwealth Court. Praecipe as follows: "Please withdraw the Appeal of the Commonwealth of Pennsylvania as filed on April 4, 1983 at Docket No. 913 C.D. 1983." Dated: July 12, 1983