

HOST ENTERPRISES, INC.
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF LABOR & INDUSTRY, and
Phyllis L. Sowers

Michael W. Babic, Esquire
Richard L. Cole, Esquire

Docket No. 727

CLOSED

MULTIPLES COLUMNAR



December 24, 1981

By Memorandum and Order of Commonwealth Court, case filed. Order as follows: "The above action names as defendant, among others, the Pennsylvania Department of Labor and Industry (Department) and seeks recovery against the Department for failure of the Department to make payment for services allegedly provided to the Department. As the above action sounds in contract, we sua sponte raise the issue of our jurisdiction to entertain such an action, conclude that we lack said jurisdiction, see *Vespaziani v. Department of Revenue*, 40 Pa. Commonwealth Ct. 54, 396 A.2d 489 (1977), and therefore transfer this action to the Board of Claims. The Chief Clerk shall certify to the Board of Claims a photocopy of the docket entries herein and transfer to it the record hereof."

February 2, 1981

Praecepte to withdraw Complaint filed by attorney for plaintiff. (In that the action did not have to proceed to a fuller determination by the Board, it is the Chairman's view that the filing fee of \$50.00 need not be charged.)

February 3, 1981

Case received from Commonwealth Court.

February 11, 1981

The Board rendered the following Order: "AND NOW, this 13th day of February, 1981, upon receipt of Praecepte, executed by Michael W. Babic, Esquire, on behalf of Plaintiff, Host Enterprises, Inc., same of which is docketed with this Board under date of February 2, 1981, it is ORDERED and DIRECTED that said case be marked "withdrawn, discontinued and ended with prejudice". Copies forwarded to attorney for plaintiff and attorney for defendant."