

LUNCH-O-PAK, INC. and JOSEPH PRUZANSKY
and MOSHE PRUZANSKY and UNITED
INSTITUTIONS OF PENNSYLVANIA, INC.
VS.

Docket No. 728

Paul A. Logan, Esquire

CLOSED

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION
Philip A. Ayres, Esquire (Depty. of Justice)

FORM
30FR

February 4, 1981 Fiscal Code Claim and Claim in Assumpsit and filing fee filed. Amount of
Claim: \$163,488.47.

February 13, 1981 Copies of Claim forwarded to attorney for defendant and Deputy Attorney General.

March 13, 1981 Answer and New Matter filed by attorney for defendant. Copy forwarded to attorney
for plaintiff by attorney for defendant.

April 7, 1981 Reply to New Matter filed by attorney for plaintiff. Copy forwarded to attorney for
defendant by attorney for plaintiff.

January 6, 1982 Hearing scheduled for March 2 through March 5, 1982, if necessary, in Board's Court
Room at 10 a.m.

March 2, 1982 Hearing held in board's Court Room at 10 a.m. Case concluded.

April 8, 1982 Testimony of hearing held March 2, 1982, filed. Copies fo testimony forwarded to
attorney for defendant.

May 24, 1982 Proposed Findings of Fact, Conclusions of Law and Brief filed by attorney for
plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

June 15, 1982 Petition to Open the Record and Present Additional Testimony filed by attorney for
plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

June 25, 1982 Proposed Findings of Fact and Conclusions of Law filed by attorney for defendant.
Copies forwarded to attorney for plaintiff by attorney for defendant.

July 12, 1982 The Board rendered an Opinion and made the following Order: "AND NOW, this 12th day
of July, 1982, the Petition to Open the Record and Present Additional Testimony as
filed by the Plaintiff in accordance with the prerogative of this Board, is amended
to read a Rule to show Cause why the record should not be open and additional
testimony presented. Rule returnable in 25 number of days." Copies forwarded to
attorney for plaintiff and attorney for defendant.

CLOSED

Paul A. Logan, Esquire

LUNCH-O-PAK, INC. and JOSEPH PRUZANSKY
and MOSHE PRUZANSKY and UNITED
ASSOCIATIONS OF PENNSYLVANIA, INC.

VS.

Phillip A. Ayres, Esquire (Dept. of Justice)

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF Education

July 13, 1982

The Board rendered an Opinion and made the following Order: 'AND NOW, this 13th day of July, 1982, the Petition to Open the Records and Present Additional Testimony, as filed by the Plaintiff, in accordance with the prerogative of this Board, is amended to read 'Rule to Show Cause Why the Record Should Not be Opened and Additional Testimony Presented'. Rule returnable in twenty-five (25) days from the date of this Order.' Copies forwarded to attorney for plaintiff and attorney for defendant.

September 21, 1982

Requests for Admissions filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

September 22, 1982

Request for Admissions as well as proposed order filed by attorney for plaintiff. Copies forwarded to attorney for defendant by attorney for plaintiff.

September 23, 1982

The Board made the following order: "AND NOW, this 23rd day of September 1982, upon consideration of the plaintiffs' Petition to Open the Record and the failure of the defendant to respond to the Rule to Show Cause issued by this Board respecting same, it is hereby ORDERED, that the plaintiffs' Petition to Open the Record is GRANTED, and the record is reopened so as to allow for the introduction of additional evidence; and IT IS FURTHER ORDERED that the plaintiffs may proceed to produce the additional evidence by Requests for Admissions and Answers thereto, which shall be answered, under oath, within thirty (30) days, or all such requests shall, in accordance with the Pennsylvania Rules of Civil Procedure, be considered Admitted." Copies forwarded to attorney for plaintiff and attorney for defendant.

October 21, 1982

Answer to Request for Admissions filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

LUNCH-O-PAK, INC. & Joseph Pruzansky
and Moshe Pruzansky and United Institutions
of Pennsylvania, Inc.

Paul A. Logan, Esquire

Docket No. 728

-continued

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION

John Alzamora, Esquire
Philip A. Ayers, Esquire (Dept. of Atty General)

CLOSED



March 23, 1983

Motion to Amend Plaintiffs' Complaint to Conform Pleading to the Proofs as well as proposed Order filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

March 25, 1983

The Board rendered the following Order: "AND NOW, this 25th day of March, 1983, upon consideration of the Motion of the plaintiffs to amend their pleading to the proofs adduced at the trial before this Board on March 2, 1982, and it appearing that said Motion is not objected to, it is hereby ORDERED, that the plaintiffs' claim is hereby amended to include a claim for the sum of \$106,000.00 plus interest from December 23, 1976, for additional compensation for work performed during the 1976 Summer Food Service Program for Children." Copies forwarded to attorney for plaintiff and attorney for defendant.

June 10, 1983

The Board rendered an Opinion and made the following Order: "AND NOW, this 10th day of June, 1983, judgment is entered in favor of the Plaintiffs, Lunch-C-Pak, Inc., Joseph Pruzansky, Moshe Pruzansky and United Institutions of Pennsylvania, and against the Commonwealth of Pennsylvania, Department of Education in the following amounts: (a) \$8,551.42, plus interest at the rate of 6% per annum from December 23, 1976; and (b) \$115,484.97, plus interest at the rate of 6% per annum from December 23, 1976; and (c) \$39,452.05, plus interest at the rate of 6% per annum from December 23, 1976; and (d) \$231,973.68, plus interest at the rate of 6% per annum from May 15, 1980. Each party to bear their own costs."

June 17, 1983

Copies of Opinion and Order dated June 10, 1983 forwarded to attorney for Plaintiff and attorney for Defendant.

November 21, 1984

Order received from Commonwealth Court. Order as follows: "Now, November 20, 1984, it appearing that to date the record in the above matter has not been certified to this Court, the Board of Claims is directed to certify the record in this matter to this Court on or before December 20, 1984. In addition to mailing copies of this Order to counsel of record, the Chief Clerk is directed to mail a copy to the Board of Claims".

November 21, 1984

The record was opened so as to include matters of which the Board was not put on notice. They are as follows:

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DEPARTMENT OF EDUCATION

Paul A. Logan, Esquire

Docket No. 728

John Alzamora, Esquire
~~Philip A. Bryant, Esquire~~ (Dept. of Justice)

CLERK

November 27, 1984 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff.
(2230 C. D. 1983) (Filed in Commonwealth Court August 17, 1983).

November 27, 1984 Request made to attorney for Defendant for Copy of Petition for Review as filed in Commonwealth Court by attorney for Defendant.

November 29, 1984 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.
(2130 C. D. 1983) (Filed in Commonwealth Court August 3, 1983).

December 5, 1984 Copy of Motion to Quash as filed in Commonwealth Court filed by attorney for defendant.

December 27, 1984 Copy of Order received from Commonwealth Court. Order as follows: "NOW, December 13, 1984 upon consideration of respondent's motion to quash and petitioners' response thereto, and it appearing that petitioner's petition for review of August 17, 1983 sought to appeal a June 17, 1983 decision by the Board of Claims, said motion to quash is hereby granted. See Pa. R.A.P. 1512(a) and (b). Upon consideration of petitioners' petition for acceptance of Petition for review nunc pro tunc, said petition is hereby denied. See Nixon v. Nixon, 329 Pa. 256, 198 A. 154 (1938)."