

HARRY D. MILLER, III and
A POTTY ON THE SPOT

Paul A. Logan, Esquire

Locket No. 865

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Susan J. Forney, Esquire
William Steeks, Esquire
Amy L. Putnam, Esquire

CLOSED

FORM 301PR

Date	Amount of Claim:
February 10, 1983	Complaint and filing fee filed.
February 25, 1983	Copies of Complaint forwarded to attorney for Defendant and Deputy Attorney General.
March 25, 1983	Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
June 10, 1983	Brief in Support of Preliminary Objections filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
July 5, 1983	Brief in Opposition to Preliminary Objections filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
December 9, 1983	The Board rendered an Opinion and made the following Order: "AND NOW, this 9th day of December, 1983, Preliminary Objections as filed by the Defendant, requesting that the Complaint of the Plaintiff be dismissed because this Board lacks jurisdiction to hear the request of the Plaintiff must be DENIED. The Defendant is GRANTED thirty (30) days from the date of this Order to file a responsive pleading."
December 12, 1983	Copies of Opinion and Order dated October 9, 1983 forwarded to attorney for Plaintiff and attorney for Defendant.
December 28, 1983	Motion for Extension of Time to File Responsive Pleading and proposed Order filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.
December 30, 1983	The Board made the following Order: "AND NOW, this 30th day of December, 1983, it is hereby ordered that the Commonwealth of Pennsylvania, Department of Environmental Resources is granted until February 9, 1984 to file a responsive pleading." Copies forwarded to attorney for Plaintiff and attorney for Defendant.
February 9, 1984	Answer and New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

93AD

Paul A. Logan, Esquire

HARRY D. MILLER, III and
A POTTY ON THE SPOT
VS.

~~Steven J. Fetter, Esquire~~
~~William Sietter, Esquire~~
Amy L. Putnem, Esquire

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

CLOSED

February 21, 1984 Response to New Matter as well as Request for Production of Documents filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

March 14, 1984 Request for the Production of Documents (2nd Set) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 19, 1984 Response of Defendant to Plaintiff's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 19, 1984 Motion for Protective Order, Memorandum and proposed Orders filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 20, 1984 Response to 1st Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 27, 1984 The Board made the following Order: "AND NOW, this 27th day of March, 1984, upon consideration of Defendant-Department's Motion for Protective Order and Stay of Discovery, it is hereby ORDERED that discovery by the Plaintiff into the revocation of Plaintiff's Sewer Sludge Permit, is hereby STAYED and that Defendant-Department need not respond to Plaintiff's Interrogatories Numbered 1, 2, 3, 9 and 10 and Plaintiff's Request for Production of Documents Numbered 1, 2, 4 and 5 pending the Board's disposition of Plaintiff's Motions. It is further DIRECTED that the Plaintiff file a response to said Motions within twenty (20) days of the date of this Order." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 2, 1984 Request for Production of Documents and 1st Set of Interrogatories filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

April 2, 1984 Motion to Compel Answers to Interrogatories and the Production of Documents as well as Motion for Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

COVER

Paul A. Logan, Esquire
~~Susan J. Forney, Esquire~~
William Sierks, Esquire
Amy L. Pitnam, Esquire

HARRY D. MILLER, III and
A FORTY ON THE SPOT
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

CLOSED



April 2, 1984	Plaintiff's Response to Motion for Protective Order filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant: by attorney for Plaintiff.
April 17, 1984	Defendant's Response to Motion to Compel Answers to Interrogatories and Produce Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
April 27, 1984	Plaintiff's Second Set of Requests for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
May 3, 1984	Department of Environmental Resources' Response to Plaintiff's Second Set of Requests for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
July 6, 1984	The Board rendered an Opinion and made the following Order: "AND NOW, this 6th day of July, 1984, the requests of the Plaintiff as found in Interrogatories No. 1, 2, 3, 9 and 10 and the Production of Documents No. 1, 4, 4 and 5 shall be answered by the Defendant." Copies forwarded to attorney for Plaintiff and attorney for Defendant.
July 9, 1984	Copy of Proposed Order and Motion for an Expedited Response to the Petition for Review as filed in Commonwealth Court filed by attorney for Defendant.
July 10, 1984	Order received from Commonwealth Court as follows: "AND NOW, this 6th day of July, 1984, upon consideration of petitioner's Motion for an Expedited Response to the Petition for Review, said motion is hereby GRANTED. Respondent shall have 15 days from the date it receives the Petition for Review in the Nature of a Writ of Prohibition to respond to the same."
July 11, 1984	Petition for Review in the Nature of a Writ of Prohibition filed by attorney for Defendant. (No. 1918 C.D. 1984)
July 25, 1984	Respondent's Answer to Petition for Review in the Nature of a Writ of Prohibition filed in Commonwealth Court by the Board. Copies forwarded to Paul A. Logan, Susan J. Forney and William Sierks. Copies distributed to Board members.

934

HARRY D. MILLER, III and
A POTTY ON THE SPOT
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire

~~Susan J. Feinney, Esquire~~
~~William Steike, Esquire~~
Amy L. Putnam, Esquire

Docket No. 86
CLOSED

- July 31, 1984 Petitioner's Motion for Judgment on the Pleadings and Proposed Order filed in Commonwealth Court by attorney for Petitioner.
- August 1, 1984 Motion for Expedited Briefing and Argument on Petitioner's Motion for Judgment on the Pleadings and Proposed Order filed in Commonwealth Court by attorney for Petitioner.
- August 6, 1984 Copy of Order received from Commonwealth Court. Order as follows: "NOW, August 1, 1984, upon consideration of petitioner's motion for judgment on the pleadings, the Chief Clerk is directed to list said motion for argument on Thursday, September 13, 1984, at the foot of the list of cases on said date, before a panel of Judges sitting in Courtroom Number Two, Fifth Floor, South Office Building, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Petitioner shall file and serve briefs fifteen (15) in number in support thereof on or before August 7, 1984. Respondent shall file and serve briefs (fifteen (15) in number) in opposition thereto on or before September 7, 1984."
- August 8, 1984 Petition to Intervene as Party Respondent filed by Paul A. Logan.
- August 14, 1984 Order received from Commonwealth Court as follows: "NOW, August 10, 1984, upon consideration of the petition of Harry D. Miller, III, and A Potty on the Spot, Inc., to intervene as party respondents, hearing on said petition is hereby fixed for August 21, 1984 at 10 a.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pennsylvania."
- August 15, 1984 Respondents' Board of Claims. Response to the Motion for Judgment on the Pleadings filed by the Board. Copies forwarded to attorney for Plaintiff and attorney for Defendant.
- August 20, 1984 Copy of Brief in Support of Petitioner's Motion for Judgment on the Pleadings filed by attorney for Defendant in Commonwealth Court.
- August 21, 1984 Copy of Memorandum in Opposition to Petition for Intervention as filed in Commonwealth Court received from attorney for Defendant.

COVER

HARRY D. MILLER, III and
A POTTY ON THE SPOT
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

~~Susan J. Forney, Esquire~~
~~William Sierks, Esquire~~
~~John G. Berzbach, Esquire~~
Amy L. Pitham, Esquire

CLOSED



August 29, 1984	Copy of Opinion and Order received from Commonwealth Court. Order as follows: "NOW, August 27, 1984, upon consideration of the petition of Harry D. Miller, III and A Potty on the Spot, Inc. to intervene as party respondents, after argument heard and review of petitioner's memorandum of law, said petition is granted. The Chief Clerk is directed to docket Exhibits A and 3 to the petition to intervene as intervenor's responses to the petition for review and the motion for judgment on the pleadings. Intervenor's shall comply with the briefing and argument schedule established by Order of August 1, 1984, and file and serve briefs (fifteen (15) in number) in opposition to petitioner's motion for judgment on the pleadings on or before September 7, 1984."
September 6, 1984	Intervenor Respondents' Brief in Opposition to Petitioner's Motion for Judgment on the Pleadings as filed in Commonwealth Court by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.
September 7, 1984	Brief in Opposition to Petitioner's Motion for Judgment on the Pleadings filed by Board of Claims. Copies forwarded to all Counsel of Record.
September 18, 1984	Copy of Petitioner's Reply to Intervenor's New Matter filed by attorney for Plaintiff in Commonwealth Court.
September 19, 1984	Letter forwarded to Commonwealth Court Judges, Barbieri, Doyle and Palladino relative to cite change. Copies of letter forwarded to attorney for Plaintiff, attorneys for Defendant and office of prothonotary.
September 27, 1984	Withdrawal of Appearance filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
September 26, 1984	The Board made the following Order: "On the basis of a Praecipe for Withdrawal of Appearance docketed with this Board under the date of September 27, 1984, under the signature of William Sierks, it is ORDERED and DIRECTED that William Sierks be withdrawn as counsel and that all future correspondence be forwarded to the Department of Environmental Resources, Bureau of Regulatory Counsel, Room 505 Executive House, P.O. Box 2357, Harrisburg, Pennsylvania 17120."

COVER

HARRY D. MILLER, III and
A FOTY ON THE SPOT
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire

~~Susan J. Forney, Esquire~~
~~William Steiner, Esquire~~
~~John C. Dernbach, Esquire~~
~~Ray L. Putnam, Esquire~~

Docket No. 865

CLOSED

October 1, 1984 Copies of Order dated September 28, 1984, forwarded to attorney for Plaintiff (Paul A. Logan) and attorney for Defendant (Bureau of Regulatory Counsel). Copies also sent to Susan J. Forney and William Sirks.

November 16, 1984 Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, November 15, 1984, the Department of Environmental Resources' petition for review requesting the issuance of a writ of prohibition is denied."

December 12, 1984 Request for Admissions: Third Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 14, 1984 Answers to DER's Interrogatories Directed to Plaintiff filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

December 18, 1984 Copy of Petition for Allowance of Appeal as filed in Commonwealth Court filed by attorney for Defendant.

December 31, 1984 Copy of Respondent's Brief in Opposition to Petition for Allowance of Appeal as filed in Commonwealth Court filed by attorney for Plaintiff.

January 11, 1985 Notice of Appearance of John C. Dernbach filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

January 28, 1985 Commonwealth's Answer to Request for Admissions - Third Set - filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

May 28, 1985 Letter received from the Supreme Court stating: "This is to advise that on May 20, 1985 the Supreme Court entered its Order DENYING the petition for Allowance of Appeal filed in the above-captioned matter."

September 25, 1985 Department of Environmental Resources' Supplemental Response to Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

COVER

CLOSED

MAR 19 1987

FORM 30-PR

October 10, 1985 Department's Answers to Plaintiff's Interrogatories Addressed to Defendant - Second Set - filed by attorney for Plaintiff by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 10, 1985 DER's Interrogatories to Plaintiff's - Second Set - filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 10, 1985 DER's Request for Production of Documents filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

October 10, 1985 Supplemental Responses of the Department of Environmental Resources to Plaintiff's First Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 7, 1986 Plaintiff's Response to Interrogatories - Second Set - filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 7, 1987 Supplemental Responses to Defendant's Interrogatories filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

March 25, 1987 Entry of Appearance of Amy L. Putnam, Esquire, on behalf of the Commonwealth of Pennsylvania, Department of Environmental Resources, and withdrawing the appearance of John C. Dernbach, Esquire, as counsel for the Commonwealth filed by Amy L. Putnam, Esquire and John C. Dernbach, Esquire.

June 23, 1987 Hearing scheduled for September 2, 3, and 4, 1987, as well as September 15, 16, 17 and 18, 1987 if necessary, in Board's Courtroom No. 1 at 10:00 a.m.

June 30, 1987 Hearing scheduled for September 2, 3, 4, 1987 as well as September 15, 16, 17, and 18, 1987, if necessary, changed to begin on September 1, and continue thereafter on September 2, 3 and 4, 1987, as well as September 15, 16, 17, and 18, 1987, if necessary, in Board's Courtroom No. 1, at 10:00 a.m.

COVER

Paul A. Logan, Esquire

HARRY D. MILLER, III and
A POTTY ON THE SPOT

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Amy L. Putnam, Esquire

CLOSED

July 8, 1987 Notices of Deposition of Harry D. Miller, III and individuals of A Potty on the Spot filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

July 21, 1987 Motion to Compel Discovery or For Sanctions filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 22, 1987 Notices of Deposition of William Sopper filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

July 23, 1987 DER's Third Set of Interrogatories filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 27, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 27th day of July, 1987, upon consideration of the Motion and subsequent filings, the Motion to Compel and for Sanctions is DENIED. Counsel for the parties are directed to immediately proceed with discovery so as no delay is encountered in preparation for the trial which will commence as scheduled and without continuance." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

July 27, 1987 Plaintiff's Reply to Defendant's Motion to Compel Discovery or For Sanctions filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

July 31, 1987 Acceptance of Service of Opinion and Order dated July 27, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 29, 1987.

August 3, 1987 Acceptance of Service of Opinion and Order dated July 27, 1987 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff July 28, 1987.

SOVER

HARRY D. MILLER, III and
A POTTY ON THE SPOT
VS.

Paul A. Logan, Esquire

Docket No. 865

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Amy L. Putnam, Esquire

CLOSED

FORM
30-FR

August 3, 1987 Motion for Summary Judgment or in the Alternative, Motion to Dismiss and Memorandum of Law in Support of Motion for Summary or in the Alternative, Motion to Dismiss filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

August 5, 1987 Acceptance of Service of Opinion and Order dated July 27, 1987 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 29, 1987.

August 11, 1987 Notices of Deposition of Harry D. Miller, III and A Potty on the Spot filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

August 14, 1987 Reply to Motion for Summary Judgment or in the Alternative Motion to Dismiss filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 14, 1987 Brief in Response to Motion for Summary Judgment filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 20, 1987 The Board rendered an opinion and made the following Order: "AND NOW, this 20th day of August, 1987, upon consideration of the Defendant's Motion for Summary Judgment or in the alternative, Motion to Dismiss, the Briefs of the parties and the record, said Motion is hereby DENIED. Hearing of the matter will begin on September 1, 1987 as scheduled." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

August 20, 1987 DER's Third set of Interrogatories Answered by Plaintiffs, with Documents Attached filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

August 27, 1987 Acceptance of Service of Opinion and Order dated August 20, 1987 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 24, 1987.

20188

HARRY D. MILLER, III and
A POTTY ON THE SPOT
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire
Amy L. Putnam, Esquire

CLOSED

August 21, 1987 Acceptance of Service of Opinion and Order dated August 20, 1987 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 24, 1987

August 31, 1987 Commonwealth's Motion in Limine to Limit Testimony by Plaintiff Harry D. Miller filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 1, 1987 Hearing held in Board's Courtroom No. 1 commencing at 10:00 a.m. Hearing postponed until September 15, 1987.

September 8, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 8th day of September, 1987 upon consideration of the matter, it is hereby ORDERED an DECREED that the discovery which had been instituted prior to September 1, 1987 be continued as necessary and the requested documents be made available for inspection and copying. Counsel for the parties are also directed to expend every effort to arrive at such stipulations of facts as may expedite the scheduled hearing." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

September 11, 1987 Plaintiff's Response to Defendant's Motion in Limine to Testimony by Plaintiff, Harry D. Miller filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 14, 1987 Acceptance of Service of Opinion and Order, dated September 8, 1987, received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 14, 1987.

September 14, 1987 The Board rendered an Opinion and made the following Order: "AND NOW, this 14th day of September, 1987, upon consideration of the Motion in Limine to limit the testimony of Harry D. Miller and Plaintiff's reply thereto, it is hereby ORDERED and DECREED that such Motion be and hereby is DISMISSED." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

CLOSED

HARRY D. MILLER, III and
A POTTY ON THE SPOT
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire

Amy L. Putnem, Esquire

Docket No. 855

CLOSED

DATE	DESCRIPTION
September 15, 1987	Acceptance of Service of Opinion and Order dated August 20, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 25, 1987.
September 15, 1987	Hearing held in Board's Courtroom No. 1 commencing at 10:00 a.m.
September 16, 1987	Hearing held in Board's Courtroom No. 1 commencing at 10:00 a.m. Case continued to September 18, 1987.
September 18, 1987	Hearing held in Board's Courtroom No. 1 commencing at 10:00 a.m.
September 21, 1987	Testimony of hearing held September 1, 1987 filed.
September 22, 1987	Hearing held in Board's Courtroom No. 1 commencing at 10:00 a.m.
September 23, 1987	Copy of testimony for hearing held September 1, 1987 forwarded to attorney for Defendant.
September 23, 1987	Hearing held in Board's Courtroom No. 1 commencing at 10:00 a.m. Case continued to a date to be later determined.
September 24, 1987	Acceptance of Service of Opinion and Order dated September 14, 1987 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff September 15, 1987.
September 29, 1987	Motion to Dismiss as well as Application for Cross-Examination filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.
October 5, 1987	Testimony of hearing held September 15, 1987 filed.
October 7, 1987	Acceptance of Service of Testimony dated September 23, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 2, 1987.

OKS.R

Paul A. Logan, Esquire
Amy L. Putnam, Esquire

HARRY D. MILLER, III and
A POTTY ON THE SPOT

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

CLOSED

- October 9, 1987 Copy of testimony for hearing held September 15, 1987 forwarded to attorney for Defendant.
- October 13, 1987 Testimony of hearing held September 16, 1987 filed.
- October 19, 1987 Copy of testimony for hearing held September 16, 1987 forwarded to attorney for Defendant.
- October 20, 1987 Acceptance of Service of Testimony for hearing held September 15, 1987 dated October 9, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 16, 1987.
- October 22, 1987 Testimonies of hearing held September 18, 1987 and September 22, 1987 filed.
- October 23, 1987 Copies of testimonies for hearing held September 18, 1987 and September 22, 1987 forwarded to attorney for Defendant.
- October 26, 1987 Response to Application for Cross-Examination as well as Response to the Motion to Dismiss filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.
- November 2, 1987 Testimony of hearing held September 23, 1987 filed.
- November 4, 1987 Copy of testimony for hearing held September 23, 1987 forwarded to attorney for Defendant.
- November 4, 1987 Acceptance of Service of Testimony dated October 19, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 29, 1987.
- November 10, 1987 Acceptance of Service of Testimony for hearing held September 23, 1987 dated November 4, 1987 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 5, 1987.

WEB

HARRY D. MILLER, III and
A POTTY ON THE SPOT
VS.

Paul A. Logan, Esquire

Docket No. 865

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Amy L. Putnam, Esquire

MULTIPLE COPIES

CLOSED



November 25, 1987

Objection of the Department of Environmental Resources to the Admission of the Post-Hearing Submission and Memorandum of Law in Support of Motion to Dismiss filed by attorney for Defendant. Copies forwarded to attorney for Plaintiff by attorney for Defendant.

December 11, 1987

Plaintiffs' Response to Objections of the Department of Environmental Resources as well as Memorandum in Opposition to Motion to Dismiss filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

March 31, 1988

The Board rendered an Opinion and made the following Order: "AND NOW, this 31st day of March, 1988, Defendants' Motion to Dismiss Plaintiffs' Claim is denied. Defendants' Motion for Cross-Examination of the documentation submitted to supplement oral testimony previously supplied, is granted." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

April 20, 1988

Hearing scheduled for May 17, 18, 19 and 20, 1988, if necessary, in Board's Courtroom No. 1, 707 Transportation and Safety Building, Harrisburg, Pennsylvania, commencing at 10:00 a.m.

May 17, 1988

Hearing held in Board's Courtroom No. 1, 707 Transportation and Safety Building commencing at 11:07. Case Completed.

June 24, 1988

Testimony of hearing held May 17, 1988 filed.

June 28, 1988

Copy of testimony of hearing held May 17, 1988 forwarded to attorney for Defendant.

June 30, 1988

Acceptance of Service of Testimony for hearing held May 17, 1988 filed by attorney for Defendant. Receipt of same acknowledged by attorney for Defendant June 29, 1988.

July 11, 1988

Acceptance of Service of Testimony for hearing held May 17, 1988, received from Defendant. Receipt of same acknowledged by Defendant July 7, 1988.

August 8, 1988

Proposed Findings of Fact, Conclusions of Law and Memorandum of Law in Support of Proposed Findings of Fact and Conclusions of Law filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

HARRY D. MILLER, III and
A POTTY ON THE SPOT, INC.
VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire

Docket No. 865

Amy L. Putnam, Esquire

CLOSED

October 12, 1988 Amicus Curiae Memorandum of Pennsylvania Department of Transportation in Support of Defendant Pennsylvania Department of Environmental Resources filed by attorney for Department of Transportation. Copies forwarded to attorney for Plaintiff and attorney for Defendant by attorney for Department of Transportation.

October 12, 1988 Proposed Findings of Fact, Proposed Conclusions of Law and Post-Hearing Brief of the Department of Environmental Resources filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 3, 1988 Application to Supplement the Record and to File Modifications to the Findings of Fact and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 21, 1988 Response to Defendant's Application to Supplement the Record and to File Modifications to the Findings of Fact and Brief filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

January 20, 1989 The Board rendered an Opinion and made the following Order: "AND NOW, this 20th day of January, 1989, upon consideration of Defendant's application to supplement the record and to file modifications to the Findings of Fact and Brief, the same is hereby DENIED."

January 23, 1989 Copies of Opinion and Order dated January 20, 1989 forwarded to attorney for Plaintiff and attorney for Defendant.

January 27, 1989 Acceptance of Service of Opinion and Order dated January 20, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff January 25, 1989.

--- OVER ---

HARRY D. MILLER, III and
A POTTY ON THE SPOT, INC.

VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire

DOCKET NO. 865

Amy L. Putnam, Esquire

CLOSED



August 16, 1989 The Board rendered an Opinion and made the following Order: "AND NOW, this 16th day of August, 1989, we find in favor of the Plaintiffs, Harry D. Miller, III and A Potty on the Spot, Inc. and against the Defendant, Commonwealth of Pennsylvania, Department of Environmental Resources, in the amount of Eighty-Four Thousand Five Hundred Fifty-Two Dollars and Seventy-Five Cents (\$84,552.75). Upon receipt of said award, Plaintiff shall forthwith file with the Board a Praecipe that the case be marked settled and ended with prejudice. All costs to be borne respectively by the parties to this litigation." Copies forwarded to attorney for Plaintiff, attorney for Defendant and Chief Deputy Attorney General.

August 22, 1989 Acceptance of Service of Opinion and Order dated August 16, 1989 received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General August 17, 1989.

August 28, 1989 Acceptance of Service of Opinion and Order dated August 16, 1989 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant August 21, 1989.

August 28, 1989 Acceptance of Service of Opinion and Order dated August 16, 1989 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff August 17, 1989.

September 5, 1989 Motion for Reconsideration filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 5, 1989 Memorandum of Law in Support of Motion for Reconsideration filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 8, 1989 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

September 11, 1989 Petition for Review received from Commonwealth Court. (No. 1724 C. D. 1989).

[Handwritten signature]

HARRY D. MILLER, II and
A POTTY ON THE SPOT, INC.

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire

DOCKET NO. 865

Amy L. Putnam, Esquire

CLOSED

September 11, 1989 Motion to Dismiss Claimants' Motion for Reconsideration filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 12, 1989 Copy of Cross-Petition as filed in Commonwealth Court filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 14, 1989 Petition for Review received from Commonwealth Court. (No. 1765 C.D. 1989).

September 21, 1989 Response to Motion to Dismiss Claimant's Motion for Reconsideration filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

October 11, 1989 The Board rendered an Opinion and made the following Order: "AND NOW, this 11th day of October, 1989, it is hereby ORDERED and DECREED that the Plaintiff's Motion for Reconsideration be and hereby is DENIED and DISMISSED. The Motion to Quash filed by the Defendant, being rendered moot, is also hereby DENIED and DISMISSED." Copies forwarded to attorney for Plaintiff and attorney for Defendant.

October 17, 1989 Acceptance of Opinion and Order dated October 11, 1989, received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant October 16, 1989.

October 23, 1989 Copy of Order received from Commonwealth Court. Order as follows: "NOW, October 19, 1989, it appearing that the above captioned Petition for Review was filed on September 5, 1989, and that a notice to certify the record was sent on September 6, 1989, and that the record has not been certified, it is hereby ordered that respondent shall certify the record to this Court within twenty (20) days of the date of this Order."

October 25, 1989 File transmitted to Commonwealth Court.

June 4, 1990 Copy of Opinion and Order received from Commonwealth Court. Order as follows: "AND NOW, this 31st day of May, 1990, the order of the Board of Claims in the above-captioned matter, docketed at No. 865 and dated August 16, 1984 is hereby reversed."

OVER

9/15/89
JLS

HARRY D. MILLER, III and
A POTTY ON THE SPOT, INC.
vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Paul A. Logan, Esquire

DOCKET NO. 865

Amy J. Putnam, Esquire

CLOSED

W-100-1000-1000

June 18, 1990 Copy of Application by Petitioner/Respondent, Harry D. Miller, III and a Potty on the Spot, Inc. for Reargument before Commonwealth Court of Pennsylvania, En Banc received from attorney for Plaintiff.

July 11, 1990 Copy of Opinion and Order received from Commonwealth Court. Order as follows: AND NOW, this 9th day of July, 1990, it is hereby ordered that the opinion and order in the above-captioned matter are reissued to reflect the correction of certain errata in cited authorities."

August 2, 1990 Copy of Commonwealth Court Order received, via fax, from attorney for Plaintiff. Order as follows: NOW, July 18, 1990, having considered the application for reargument filed by Harry D. Miller, III and A Potty on the Spot, Inc. and answer of Department of Environmental Resources, the application is hereby denied."

August 23, 1990 Petition for Allowance of Appeal from the Order of the Commonwealth Court of Pennsylvania, at Docket Nos. 1765 C.D. 1989 and 1724 C.D. 1989, dated May 31, 1990, which Reversed the Order of the Board of Claims, dated August 16, 1989, at Docket No. 865 filed in the Supreme Court filed by attorney for Plaintiff.

September 25, 1990 The Board of Claims Brief Amicus Curiae in Support of Harry D. Miller, III and A Potty on the Spot, Inc.'s Petition for Allowance of Appeal mailed to the Supreme Court, Eastern District for filing by the Board of Claims. Copies forwarded to attorney for Plaintiff and attorney for Defendant. (No. 747 E.D. Allocatur Docket 1990).

September 26, 1990 Amended Certificate of Service mailed to the Supreme Court, Eastern District for filing by the Board of Claims. Copies forwarded to attorney for Plaintiff and attorney for Defendant. (No. 747 E.D. Allocatur Docket 1990)

October 1, 1990 Copy of Respondent's Motion to Strike the Board of Claims' Brief Amicus Curiae as filed in Supreme Court filed by attorney for Defendant. Copies forwarded to all counsel of record by attorney for Defendant. (No. 747 E.D. Allocatur Docket 1990)

- OVER -

HARRY D. MILLER, III and
A POTTY ON THE SPOT, INC.

Paul A. Logan, Esquire

DOCKET NO. 865

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

AMY L. FULHAM, Esquire

CLOSED

October 31, 1990 Reply of the Board of Claims to Respondent's Motion to Strike the Board of Claims' Brief Amicus Curiae mailed to the Supreme Court, Eastern District for filing by the Board of Claims. Copies forwarded to attorney for Plaintiff and attorney for Defendant. (No. 747 E.D. Allocatur Docket 1990).

December 28, 1990 Copy of letter advising that the following Order has been endorsed on the Petition for Allowance of Appeal: "December 12, 1990. Petition Denied. Per Curiam." filed by the Supreme Court. (No. 747 E.D. Allocatur Docket 1990)

December 28, 1990 Copy of letter advising that the following Order has been endorsed on the Motion to Strike Petitioners' Brief "December 12, 1990. Petition Denied. Per Curiam." filed by the Supreme Court. (No. 747 E.D. Allocatur Docket 1990)

June 12, 1991 File returned from Commonwealth Court.