

SCHOOL DISTRICT OF PHILADELPHIA,
BOARD OF SCHOOL DIRECTORS
VS.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF PUBLIC WELFARE *
AUDITOR GENERAL
TREASURY DEPARTMENT

Eugene F. Brazil, Esquire:

DOCKET NO. 873

Consolidated with
Docket No. 875

Jason W. Manne, Esquire

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ FRANCIS MAZZOLA, Esquire

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
Vincent X. Yakowicz, Esquire

CLOSED

FORM 30-PR

March 2, 1983 Petition for Review filed by attorney for plaintiff.

March 2, 1983 Letter requesting Petition for review be amended and entitled Complaint in Assumpsit.
Request also made for filing fee.

March 4, 1983 Request for amendment and proposed Order received from attorney for plaintiff.

March 7, 1983 Filing fee received.

March 10, 1983 The Board executed the following Order: "AND NOW, this 10th day of March, 1983, the Request
for Amendment is Granted." Copies of Order forwarded to attorney for plaintiff and attorneys
for defendants.

March 10, 1983 Copies of complaint forwarded to attorneys for defendants and Deputy Attorney General.

March 29, 1983 Preliminary Objections filed by attorney for defendant (Treasurer). Copies forwarded
to all counsel of record by attorney for defendant (Treasurer).

June 24, 1983 Preliminary Objections filed by attorney for defendant (Welfare). Copies forwarded
to all counsel of record by attorney for defendant (Welfare).

June 24, 1983 Notice of Substitution of Parties filed by attorney for defendant (Welfare). Copies
forwarded to all counsel of record by attorney for defendant.

*October 11, 1983 The Board rendered an opinion and made the following Order: "AND NOW, this 11th day of
October 11, 1983, the Preliminary Objections in the nature of a Demurrer, as filed by R.
Budd Dwyer, Treasurer of the Commonwealth of Pennsylvania, is hereby GRANTED. The Preliminary
Objections as filed by the Department of Public Welfare, Walter W. Cohen, Brian T. Baxter,
Margaret Sosnowski and Donna Jeffers, in the nature of (a) First Preliminary Objection -
Failure to Follow Rules of Civil Procedure, is hereby DENIED in accordance with this Opinion;

(b) Second Preliminary Objection - Failure to Follow Rules of Civil Procedure is DENIED as
Moot; (c) Third Preliminary Objection - Failure to Follow Rules of Civil Procedure is hereby
DENIED in accordance with this Opinion; (d) Fourth Preliminary Objection in the Nature of an
Objection to Jurisdiction is hereby GRANTED in accordance with this Opinion; (e) Fifth
Preliminary Objection in the Nature of a Demurrer is hereby GRANTED in accordance with this
Opinion.

SCHOOL DISTRICT OF PHILADELPHIA,
BOARD OF SCHOOL DIRECTORS, et al.

VS.

COMMONWEALTH OF PENNSYLVANIA
*DEPARTMENT OF PUBLIC WELFARE

Patricia A. Donovan, Esquire
Eugene F. Brazil, Esquire

Docket No. 373

CLOSED

Jason W. Manne, Esquire
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*October 11, 1983 (cont.) Opinion. Sua sponte, Al Benedict, Auditor General, Commonwealth of Pennsylvania, is stricken as a party-Defendant. Defendant, Commonwealth of Pennsylvania, Department of Public Welfare, is granted thirty (30) days from the date of this Order to file responsive pleading." Copies forwarded to attorney for plaintiff and attorney for defendant.

November 10, 1983 Answer to Amended Complaint, New Matter and Counterclaim filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 9, 1984 Motion to Amend Answer filed by attorney for defendant. Copy forwarded to attorney for plaintiff by attorney for defendant.

January 24, 1984 The Board rendered an Opinion and made the following Order: "AND NOW, this 24th day of January, 1984, upon consideration of the Motion to Amend Answer, it is hereby ORDERED and DECREED that the Motion shall be Allowed and the Answer Amended by adding a Notice to Plead as set forth in such Motion and that paragraph two of the New Matter be Amended to read as follows: '2. Petitioner had the facts within its possession on which it could have brought this action well in advance of six months prior to initiating this action. This defense is based on the attached letters, which are incorporated herein, and marked as Exhibits 'A' and 'B' to this pleading.'" Copies forwarded to attorney for plaintiff and attorney for defendant.

April 12, 1985 Reply to New Matter and Answer to Counterclaim filed by attorney for plaintiff. Copy forwarded to attorney for defendant by attorney for plaintiff.

April 26, 1985 The Board rendered an Opinion and made the following Order: "AND NOW, this 26th day of April, 1985, the BOARD OF CLAIMS, upon its own motion in accordance with Pa. R.C.P. No. 213 hereby ORDERS and DIRECTS that both matters captioned above will be consolidated for hearing at an early date. Both matters are to retain their original Docket Numbers."

April 29, 1985 Copies of Order dated April 26, 1985 forwarded to attorney for Plaintiff and attorney for Defendant.

May 1, 1985 Hearing scheduled for June 5 through June 7, 1985, as well as June 11 through June 14, 1985, if necessary, at 10 a.m. in Board's Court Room.

-CONT. IN FILE-

SCHOOL DISTRICT OF PHILADELPHIA, BOARD
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VS.

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DEPARTMENT OF PUBLIC WELFARE

Patricia F. Donovan, Esquire and
Eugene F. Brazil, Esquire

Jason W. Kanne, Esquire

Docket No. 873

-continued-

CLOSED

WITNESSED BY

 30-FR

June 5, 1985 Hearing held in Board's Court Room at 10 a.m.

June 6, 1985 Hearing held in Board's Court Room at 10 a.m. Case completed.

June 27, 1985 Testimony of hearing held June 5 and 6, 1985 filed. Copies of testimony forwarded to attorney for Defendant.

August 5, 1985 Brief for Petitioner (includes Proposed Findings of Fact and Proposed Conclusions of Law) filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff

September 24, 1985 Proposed Findings of Fact, Conclusions of law and Brief filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 31, 1986 The Board rendered an Opinion and made the following Order: "AND NOW, this 31st day of March, 1986, a hearing having been held, testimony taken, evidence offered and Briefs filed, it is hereby ORDERED and DECREED that judgment is entered in favor of the Plaintiff, School District of Philadelphia and against the Defendant, Commonwealth of Pennsylvania, Department of Public Welfare in the sum of \$372,094.00 on the 1980-1981 contract at the legal rate of six (6) percent per annum beginning from March 2, 1983 and \$896,978.00 on the 1981-1982 contract at the legal rate of six (6) percent beginning from March 4, 1983. Each party to bear its own costs."

April 3, 1986 Copies of Opinion and Order dated March 31, 1986 forwarded to attorney for Plaintiff and attorneys for Defendants.

April 4, 1986 Acceptance of Service of Opinion and Order received from Department of Auditor General. Receipt of same acknowledged by Department of Auditor General April 3, 1986.

April 11, 1986 Acceptance of Service of Opinion and Order received from Department of Public Welfare. Receipt of same acknowledged by Department of Public Welfare April 10, 1986.

April 11, 1986 Acceptance of Service of Opinion and Order of March 31, 1986 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff April 7, 1986.

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Patricia A. Donovan, Esquire
Eugene F. Brazil, Esquire
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Charles D. Shields, Jr., Esquire
Vincent X. Yakowicz, Esquire

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CLOSED

Consolidated with
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April 29, 1986 Copy of Petition for Review as filed in Commonwealth Court filed by attorney for
defendant.

May 7, 1986 Petition for Review received from Commonwealth Court. (No. 1199 C.D. 1986)

June 6, 1986 File transmitted to Commonwealth Court.

June 29, 1987 Copy of Opinion and Order received from Commonwealth. Order as follows: The orders
of the Commonwealth of Pennsylvania, Board of Claims, at Docket Nos. 873 and 875
dated March 31, 1986, are reversed.

September 8, 1987 File returned from Commonwealth Court.