

SCHOOL DISTRICT OF PHILADELPHIA BOARD  
OF SCHOOL DIRECTORS, et al

VS.  
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC WELFARE  
AUDITOR GENERAL  
TREASURY DEPARTMENT

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

Jason W. Maane, Esquire  
Charles D. Shields, Jr., Esquire  
Vincent X. Yakowicz, Esquire

Docket No. 875

Consolidated with  
Docket No. 873

**CLOSED**

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March 4, 1983 Complaint filed. Amount of Claim: \$894,978.00.

March 7, 1983 Filing fee filed.

March 11, 1983 Copies of Complaint forwarded to attorneys for defendants and Deputy Attorney General.

March 28, 1983 Exhibit C of Complaint filed by attorney for plaintiff. Copy forwarded to attorneys for defendants.

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

April 1, 1983 Preliminary Objections filed by attorney for defendant (Auditor General). Copies forwarded to all counsel of record by attorney for defendant (Auditor General).

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

June 29, 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 1983, the Preliminary Objections in the Nature of a Demurrer, as filed by F. 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 Objections - 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. 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.

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

November 18, 1983 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 22, 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.

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.

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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.

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

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May 2, 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.